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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1456th MEETING

Held at Headquarters, New York,
on Monday, 22 July 1996, at 10 a.m.

Chairman: Mr. SAMANA (Papua New Guinea)

CONTENTS

REPORT OF THE SUBCOMMITTEE ON SMALL TERRITORIES, PETITIONS, INFORMATION AND ASSISTANCE

Report of the Rapporteur

Requests for hearings

Hearing of Petitioners

Adoption of draft resolutions

Adoption of the report of the Subcommittee

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CONTENTS (continued)

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION

ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION

ORGANIZATION OF WORK

OTHER MATTERS

OTHER STATEMENTS

The meeting was called to order at 10.50 a.m.

REPORT OF THE SUBCOMMITTEE ON SMALL TERRITORIES, PETITIONS, INFORMATION AND ASSISTANCE (A/AC.109/L.1843)

1. The CHAIRMAN said that the Subcommittee on Small Territories, Petitions, Information and Assistance had completed the work of its session on 1 July 1996. Working papers prepared by the Secretariat had been submitted to it, some of which were based on published sources rather than on information provided by the administering Powers. The Subcommittee had noted that the information it had was not always recent and had expressed the need to receive up-to-date information on the Non-Self-Governing Territories from the administering Powers. Moreover, pursuant to a General Assembly resolution, the Special Committee had held the Pacific Regional Seminar at Port Moresby from 12 to 14 June 1996.

2. He also noted that the International Decade for the Eradication of Colonialism was past its mid-point and that it was therefore important for the Special Committee to redouble its efforts and remain tenacious in order to translate the will and aspirations of colonial peoples into reality, in accordance with the mandate of the United Nations.

Report of the Rapporteur

3. Ms. KHAN-CUMMINGS (Vice-Chairman and Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance), introducing the report of the Subcommittee on its 1996 session (A/AC.109/L.1843), said that section I of the report was devoted to the consideration of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, Turks and Caicos Islands and the United States Virgin Islands. In view of Tokelau's own decision-making agenda and related changes to the legislative framework for Tokelau, the Permanent Representative of New Zealand had requested the Chairman of the Special Committee to allow the Administrator and the Failpule of Tokelau to appear before the Special Committee in order to inform it first-hand of how decisions on the Territory's future status were taken. Accordingly, the Subcommittee had recommended that, in 1996, the draft resolution on the question of Tokelau should be considered and adopted by the Special Committee. The Subcommittee had therefore decided to refer to the Special Committee consideration of the entire question, even though the working paper on Tokelau formed an integral part of the Subcommittee's documentation.

4. The texts of a number of draft resolutions were also contained in section I.

5. Section II dealt with the dissemination of information on decolonization; one chapter was devoted to the Week of Solidarity with the Peoples of All Colonial Territories, Fighting for Freedom, Independence and Human Rights. Lastly, as the Special Committee had decided to reschedule its programme of work in order to make optimum use of the information available to it, the Subcommittee had had an opportunity, during its session, to take into account the work of the Pacific regional seminar.

6. The Subcommittee had adopted all draft resolutions contained in its report by consensus.

Requests for hearings

7. The CHAIRMAN drew the Committee's attention to the requests for hearings submitted in the following documents: Guam (aide-mémoire 8/96), Falkland Islands (Malvinas) (aide-mémoire 9/96), East Timor (aide-mémoire 10/96 and Add.1), New Caledonia (aide-mémoire 11/96) and Western Sahara (aide-mémoire 12/96). He proposed that the requests should be granted.

8. Mr. SRIWIDJAJA (Indonesia) strongly objected to the hearing of petitioners on the question of East Timor.

9. The CHAIRMAN assured the representative of Indonesia that his reservations would be duly noted in the records of the meeting. On that understanding, and if he heard no other objection, he would take it that the Committee decided to grant the requests for hearings.

10. It was so decided.

Hearing of petitioners

11. At the invitation of the Chairman, Mr. Parkinson (President of the Twenty-third Legislature of Guam) took a place at the petitioners' table.

12. Mr. PARKINSON (President of the Twenty-third Legislature of Guam) said that Guam considered the efforts of the United Nations and its Special Committee on Decolonization as absolutely essential to the exercise of its right to self-determination. In that connection, the inhabitants of the Territory were upset by the attitude of certain major Powers which were subverting those efforts by attempting to remove Guam, in particular, from the list of Non-Self-Governing Territories and even to eliminate the Special Committee itself. Without even giving the interested parties an opportunity to express themselves, they claimed that the peoples of the Non-Self-Governing Territories could not survive without the colonial powers or that they were satisfied with their current status. Financial arguments were also put forward as justification for the proposed dismantling of the Special Committee, even though the same major Powers did not hesitate to spend enormous sums when their own interests were at stake. In fact they were attempting to dismantle the entire decolonization apparatus of the United Nations.

13. While ostensibly, most of the Non-Self-Governing Territories had been politically decolonized, they were nonetheless economically and culturally subjugated to former colonial powers which also continued to interfere in their domestic politics in order to keep taking advantage of inexpensive raw materials and labour while ensuring a market for their exports. In fact, third world countries which had recently become independent were still subject to pressures of every kind from the most industrialized countries. Their sovereignty was derided, even in international bodies where they could not state their real positions for fear of reprisals. If the enemies of decolonization were successful in their effort to eliminate the Special Committee, a fatal blow

would be dealt to the exercise of the fundamental rights of the peoples of the Non-Self-Governing Territories. The people of Guam therefore affirmed their support for the Special Committee, in the conviction that it must continue to exercise its mandate fully until such time as all peoples concerned genuinely and fully exercised their right to self-determination and were truly free of political, economic and cultural domination.

14. In the case of Guam, no argument could justify its removal from the list of Non-Self-Governing Territories when the Chamorro people had yet to exercise their right to determine their own fate. Guam was currently negotiating the improvement of its relationship with the administering Power. It had democratically elaborated and approved the draft Guam Commonwealth Act, which would govern an interim - and he wished to stress the word "interim" - political relationship of the Territory with the United States of America, pending the exercise of self-determination by the Chamorro people. The exercise of that right, to which not only the Chamorro people but also the entire population of Guam aspired, was provided for in article 1 (section 102) of Guam's version of the draft Commonwealth Act. In that connection, it was imperative that the resolution which the General Assembly would adopt in 1996 on the question of Guam clearly mentioned that right. The population of the Territory also called on the administering Power to support its request.

15. Obviously, the decolonization process was severely hampered when administering Powers obstructed action by the Special Committee, in particular, its direct monitoring of the situation of Non-Self-Governing Territories on visiting missions. The first and last such mission sent to Guam had taken place in 1979. The administering Power had invited the Special Committee to come to the Territory at a time when its people were voting on a proposed Constitution, which, it should be recalled, was rejected while the mission was there. Nonetheless, the mission had had a beneficial effect, since it had encouraged both the people of Guam and the administering Power to redouble their efforts to resolve numerous problems associated with the Territory's status. In that connection, the Legislature of Guam requested the Special Committee to send another mission to the Territory at the earliest possible date and hoped that the request would be included in the resolution to be adopted by the General Assembly.

16. In anticipation of the current session, the Legislature of the Territory had adopted two resolutions (Nos. 464 and 466) which reflected the positions of the petitioners who had voiced their opinions on the question of Guam. It hoped that the Special Committee would take note of the resolutions and consider them carefully.

17. Lastly, the people of Guam wished to thank the Special Committee for all the efforts it had made and continued to make in order to carry out the difficult mission of decolonizing the world. Indeed, many Territories had acquired their political independence, as reflected by the Special Committee's current membership. In that connection, he could not stress enough the importance of the work being carried out by the Special Committee within the framework of the International Decade for the Eradication of Colonialism.

18. Mrs. KHAN-CUMMINGS (Trinidad and Tobago), noting that, in January and February 1996, the Governor of Guam and the Under-Secretary of the Interior had met in San Francisco and Washington in order to review the Guam Commonwealth Act, inquired about the hearings that were supposed to take place before one of the subcommittees of the United States Congress.

19. Mr. PARKINSON (President of the Twenty-third Legislature of Guam) said that he had no information on the progress achieved in the negotiation of the draft Act.

20. Mr. YARKA (Papua New Guinea) asked how many members of the Legislature of Guam were in favour of self-determination.

21. Mr. PARKINSON (President of the Twenty-third Legislature of Guam) replied that the entire Legislature supported the principle but pointed out that self-determination could take many forms and that independence was not the only possible option.

22. Mr. Parkinson withdrew.

23. At the invitation of the Chairman, Ms. Alvarez Cristobal (Twenty-third Legislature of Guam), took a place at the petitioners' table.

24. Ms. ALVAREZ CRISTOBAL (Senator of the Twenty-third Legislature of Guam, President of the Committee on Federal and Foreign Affairs and member of the Guam Commission on Self-determination) noted that, as usual, she had come to promote the decolonization of the Non-Self-Governing Territory of Guam, and justice and dignity for the Chamorro people.

25. On 21 July 1944, the United States of America had liberated Guam from Japanese occupation. At the same time that Guam was commemorating its liberation, elsewhere in the Pacific, its neighbours and friends were celebrating their independence. That situation must be remedied. Although, as early as 1898, under the Treaty of Paris, the United States of America had agreed to assist the Chamorro people in determining their future political status and, in 1946, it had voluntarily placed Guam on the United Nations list of Non-Self-Governing Territories, in 1996, the Territory was still a colony. The people of Guam, however, had repeatedly made it known in a peaceful and democratic fashion that they wished to be free and decolonized.

26. In 1988, the people of Guam had approved and transmitted to the administering Power an act on the Commonwealth of Guam which provided for self-determination. Even if the Commonwealth was for the Chamorros but one phase in the pursuit of liberation and decolonization, the act concerning it defined the political relationship which Guam wished to maintain with the United States and should be fully taken into account. The purpose of the Commission on Self-determination was not, as the United States representative had indicated to the General Assembly in 1995, to consider a proposed commonwealth with the United States, but rather to promote the Commonwealth Act, which was an expression of the will of the Chamorro people. The Act was not subject to negotiation and the current discussions with the Government of the United States were aimed solely at clarifying certain misunderstandings and dispelling certain fears.

27. If, indeed, as the United States representative had stated, independence was a legitimate form of self-determination, why was it so difficult for the United States to accept the Commonwealth Act and why was it stalling the decolonization process? The truth was that the administering Power was speaking in ambiguous terms, particularly when it called into question the constitutionality of the Commonwealth Act. The Congress had the necessary constitutional powers to grant decolonization but did not exercise them. Because the American Government wished to control the decolonization process and maintain its sovereignty over Guam, it was opposed, in particular, to self-determination, mutual consent on the applicability of federal laws and local control over immigration. The Department of Labor and the Department of Justice used the Constitution to oppose self-determination.

28. As for the Chamorro people, they wished to be free to choose their status and the United States must be straightforward and say whether it intended to honour the commitment it had undertaken to help Guam successfully complete the decolonization process. It must refrain from interpreting the Constitution too narrowly and it must desist from attempting to remove Guam from the list of Non-Self-Governing Territories. Democracy in the United States was based on the consent of the governed to be governed. The people of Guam wished to be able to give their consent, too.

29. Mrs. KHAN-CUMMINGS (Trinadad and Tobago) asked the petitioner if the Committee might have a copy of the two resolutions adopted by the Guam Legislature.

30. Ms. ALVAREZ CRISTOBAL gave the Chairman a copy of resolutions Nos. 464 and 466 adopted by the Guam Legislature.

31. Ms. Alvarez Cristobal withdrew.

32. At the invitation of the Chairman, Mr. Teehan (Secretary of the Guam Landowners Association) took a place at the petitioners' table.

33. Mr. TEEHAN (Secretary of the Guam Landowners Association) said that his association, founded in 1976, had always supported Chamorro self-determination because it believed that it was the most viable means of addressing the numerous outstanding issues and correcting historic injustices. At the mid-point in the International Decade for the Eradication of Colonialism, political and economic pressures aimed at eliminating Guam from the list of Non-Self-Governing Territories were on the increase. The administering Power argued that its supervision provided stability and economic advantages, claiming that the Territory was free to choose its own status and preferred to maintain the status quo, and presenting the question to the United Nations as a de facto act of self-determination. It also falsely portrayed Guam as a small island with limited resources and little hope for achieving a sustainable economy, let alone independence. Similar arguments had been put forward in a vain attempt to have the Pacific Regional Seminar cancelled. He applauded those members of the Special Committee and the Fourth Committee who had successfully resisted the pressures to subvert the decolonization process and had prevented the administering Power from amending the 1995 General Assembly resolution on Guam into a meaningless statement.

34. The decolonization process itself was under assault. Some colonial Powers and their economic allies argued that the remaining Non-Self-Governing Territories were satisfied with their status, and that the absence of violent resistance or signs of discontent was proof of that satisfaction. The Chamorro people of Guam were indeed very peaceful, and the smallest demonstration was cause for serious debate. Nonetheless, numerous demonstrations had been held against federal institutions and their conduct, and in 1994 the Governor of Guam himself had participated in a demonstration of that type. In no way was it reasonable to deduce that their civilized conduct meant that the Chamorro people were content with their fate. Must they sink to violence in order to claim their right to self-determination? Would the United States succeed in convincing the Special Committee and the United Nations as a whole that non-violence was a sign of contentment? The Guam Commonwealth Act, which defined an interim political relationship between the Territory and the United States, dated back to 1987, and the United States had taken no action on it yet. The Act had been voted on article by article, and its main thrust was Chamorro self-determination; however, it did not in itself constitute an act of self-determination. Its rejection by the United States would not negate the right of self-determination of the Chamorro people. It was critical for the United Nations to support Guam in its efforts and make no effort to remove Guam from the list of Non-Self-Governing Territories, and for the General Assembly, when it adopted its draft resolution on Guam at its fifty-first session, to make express reference to the right of the Chamorro people to self-determination.

35. Mr. RIVERO ROSARIO (Cuba), after hearing Mr. Teehan's statement, said that the Committee had often been hindered by a lack of sufficient information on the desires of the peoples in the Non-Self-Governing Territories. The Port Moresby Seminar had made it possible, however, to hear the views of those peoples, including the representatives of the Guam Landowners Association; to decide to send a visiting mission to Guam; and to obtain information from the administering Power, which had offered a virtually idyllic portrayal of the situation. It was interesting to hear that the Guam Commonwealth Act represented the real views of the Chamorro people. At the appropriate time, the issue of economic and cultural colonialism, rather than political colonialism, should be addressed; meanwhile, the name of Guam, which had been on the list of Non-Self-Governing Territories for so long, should remain there.

36. He also asked that copies of the resolutions submitted by Ms. Alvarez Cristobal should be distributed to the members of the Committee.

37. Mr. Teehan withdrew.

Adoption of draft resolutions

38. The CHAIRMAN invited the Committee to express its views on the draft resolutions contained in the report of the Subcommittee on Small Territories, Petitions, Information and Assistance.

Draft general resolution (A/AC.109/L.1843, para. 9)

39. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to adopt the draft general resolution contained in paragraph 9 of the Subcommittee's report without a vote.

40. It was so decided.

Draft resolution on dissemination of information on decolonization (A/AC.109/L.1843, para. 23)

41. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to adopt the draft resolution on dissemination of information on decolonization contained in paragraph 23 of the Subcommittee's report without a vote.

42. It was so decided.

Adoption of the report of the Subcommittee

43. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to adopt the Subcommittee's report as a whole.

44. It was so decided.

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

Draft resolution on information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (A/AC.109/L.1845)

45. Mr. SRIWIDJAJA (Indonesia) said that Portugal's note to the Secretary-General concerning the item (A/51/187 of 2 July 1996) had been distributed to Committee members only three days previously, on 19 July. Indonesia had not had time to study it and prepare its response, and it felt that such a deliberate delay was hardly favourable to the negotiations it was being asked to hold with Portugal under the auspices of the Secretary-General.

46. Mr. GAMITO (Portugal) emphasized once again that East Timor was a Non-Self-Governing Territory included in the list contained in General Assembly resolution 1542 (XV) and that, as such, the Territory was included on the agenda of the Special Committee and on that of the fifty-first session of the General Assembly. Portugal had always cooperated actively with the Special Committee and fully recognized its competence and the importance of its role with respect to decolonization. Referring to the accusation made by the representative of Indonesia, he said that Portugal - having sent its note verbale on 28 June and the latter having been published on 2 July - could not be held responsible for delays in the distribution of documentation, nor could it be accused of having tried to put Indonesia in a difficult situation.

47. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/AC.109/L.1845 without a vote.

48. It was so decided.

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION

ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION

Draft resolution on military activities and draft resolution on foreign economic interests (A/AC.109/L.1846 and L.1857)

49. Mr. RIVERO ROSARIO (Cuba), supported by Mr. SAMADI (Islamic Republic of Iran), proposed that a decision on the two draft texts should be deferred to a later meeting.

50. Mrs. KHAN-CUMMINGS (Trinidad and Tobago), Vice-Chairman of the Subcommittee, associated herself with that proposal, particularly in view of the need to amend paragraphs 1 and 12 of the draft resolution in order to reflect the development of the situation.

51. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the proposal.

52. It was so decided.

ORGANIZATION OF WORK

53. The CHAIRMAN drew attention to the revised programme of work contained in the aide-mémoire (7/96/Rev.1) and reminded the members of the Committee that they would have to complete their work during the week in order to enable the Rapporteur to prepare the Special Committee's report to the General Assembly. Furthermore, the Committee would, as usual, be represented by himself, as Chairman, at meetings of the Economic and Social Council, when the latter considered the issue of the specialized agencies and the Committee would meet again in order to consider that matter after the closure of the Council's session.

54. Concerning the Special Committee's report to the Assembly, he proposed that, in accordance with established practice, the Committee should ask the Rapporteur to draft the various chapters of the report covering the matters on which the Committee had concluded its discussion and to submit them directly to the Assembly.

55. It was so decided.

OTHER MATTERS

56. Mr. KHAN (Secretary of the Committee), in reply to a question from Mr. SAMADI (Islamic Republic of Iran), said that because of the reduction in its staff, the Department of Public Information had decided not to issue a press release on the work of the Special Committee during the current year.

57. Mr. SAMADI (Islamic Republic of Iran) said that he did not recall having seen a decision to that effect by the Committee on Public Information. Press releases were very important for the Special Committee's work and the latter would inevitably be adversely affected by such a decision.

58. Mr. RIVERO ROSARIO (Cuba) associated himself with the Iranian delegation and expressed keen regret at that decision. It was true that there had been no press release either on the recent regional Seminar in Port Moresby, or on the Week of Solidarity with the Peoples of All Colonial Territories, Fighting for Freedom, Independence and Human Rights, or on the very important statement made on that occasion by the representative of Papua New Guinea. He pointed out further that the dissemination of information on the work of the Organization should not be restricted to peacekeeping operations and that it was for the General Assembly, and not for the Department of Public Information or the Secretariat in general, to determine degrees of priority with respect to information to be circulated.

59. The CHAIRMAN assured the representatives of the Islamic Republic of Iran and Cuba that the question would be raised with the competent authorities.

60. Mr. SAMADI (Islamic Republic of Iran) pointed out that the Committee had just adopted a resolution on the dissemination of information on decolonization. He had not been aware at the time of the decision taken by the Department of Public Information on the matter. He wished officially to place on record that his delegation had reservations with respect to that decision; it was only subject to those reservations that he agreed to the adoption of the resolution concerned.

61. The CHAIRMAN assured the representative of the Islamic Republic of Iran that note had been taken of his reservations.

OTHER STATEMENTS

62. Mr. YARKA (Papua New Guinea) said that, by inviting his country to organize in 1993 and 1996, the Pacific Regional Seminar on decolonization, the United Nations had acknowledged Papua New Guinea's commitment to the process of decolonization. In June 1996, the Seminar in Port Moresby had been attended by a large number of participants. He thanked the United Nations for having thus recognized his country's commitment in that important field and its ongoing support for the noble cause of the Organization. His country was indeed fully resolved to ensure that colonialism was effectively eradicated in all parts of the world, including the Pacific, particularly New Caledonia.

63. Concerns had been expressed by the United States of America and other countries in relation to the holding of the Port Moresby Regional Seminar, given

the current financial difficulties of the Organization. Papua New Guinea fully shared those concerns but felt that, in the absence of visiting missions and of up-to-date factual information on the situation in the Non-Self-Governing Territories, the only practical way of obtaining first-hand information was through the involvement of representatives of the peoples of those Territories in regional seminars, both for the Pacific and for the Caribbean.

64. Papua New Guinea therefore urged those States that were members of the Committee and other States, including the administering Powers, to acknowledge the importance and usefulness of regional seminars as one of the most effective ways of assessing the political, constitutional, economic and social development of the remaining Non-Self-Governing Territories.

The meeting rose at 12.40 p.m.

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1457th MEETING

Held at Headquarters, New York,
on Monday, 22 July 1996, at 3 p.m.

Chairman: Mr. RODRÍGUEZ PARRILLA (Cuba)
(Vice-Chairman)

later: Mr. SAMANA (Papua New Guinea)
(Acting Chairman)

CONTENTS

QUESTION OF THE FALKLAND ISLAND (MALVINAS)

Hearing of petitioners

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The meeting was called to order at 3.35 p.m.

QUESTION OF THE FALKLAND ISLANDS (MALVINAS) (A/AC.109/2041; A/AC.109/L.1844)

1. The CHAIRMAN said that Argentina and Brazil had asked to participate in the consideration of the item and, if there were no objections, he would take it that the Committee agreed to the request.

2. It was so decided.

Hearing of petitioners (Aide-mémoire 9/96)

3. At the invitation of the Chairman, Mr. Goss took a place at the petitioners' table.

4. Mr. GOSS, a member of the Legislative Council of the Falkland Islands (Malvinas), said that the Goss family name in the Falkland Islands went back four generations. He therefore felt committed to speak in defence of the rights of a people whose roots reached back over 163 years to a then empty land. The Committee should support the aspirations of the Falkland Islanders to exercise the right to self-determination and include a paragraph to that effect in the preamble to the draft resolution under consideration. Those who opposed it resorted to the tactic of masquerading subjects who claimed remote historical connections to the Falkland Islands.

5. The Committee had heard many times the fairy tales of the dreamland Utopia which the Argentines called the Malvinas. The emerging democratic Argentina should be mature enough to relinquish its purely nationalistic delusion which did nothing for its credibility.

6. If the Committee insisted that the current status of the Falkland Islanders needed to be resolved, then the solution could be found in recognizing the Falkland Islands as a dependent Territory of the United Kingdom. The Islands, which could not be considered as entirely a Non-Self-Governing Territory, were virtually self-sufficient and had a fairly good per capita income from its fishing industry. He hoped that the Committee would recognize that the people of the Falkland Islands had the right to the way of life and Government of their own choice and that in no case did they wish to be separated from the United Kingdom.

7. He recalled that the Chairman of the Committee had made a commitment the previous year to introduce an amendment to the draft resolution under consideration in recognition of the wish of the Islanders to have the Government of their own choice and to decide on their political future. He had been disappointed to learn that the Chairman had backed off from that promise and that, on the contrary, Papua New Guinea was among the sponsors of a draft resolution put forward by a number of delegations on behalf of the Argentine Government.

8. On the other hand, he was obliged to give credit to Argentina for its cooperation in the control and conservation of the fish stocks which that

country shared with the Falkland Islands. That cooperation had led to the establishment of a Fisheries Commission. Some delay was apparent, however, in the establishment of a long-term fishing agreement. A Hydrocarbon Commission had also been established, although much remained to be done before serious exploration could begin. He hoped that Argentina would wake up to the financial gain that would follow when it resigned its claim to sovereignty over the Falkland Islands.

9. At a seminar held in Port Moresby, Papua New Guinea, the representative of Argentina had stated that her country stood ready to resume negotiations with the United Kingdom to reach a peaceful and lasting solution to the dispute over sovereignty. There were three parties in that equation: the first two, which were united in their positions and had no dispute between them, were the people of the Falkland Islands and the United Kingdom, the latter as the administering Power; the third party, Argentina, had a dispute with the other two based on flimsy, emotional indoctrination. The Committee must understand the difference between the ambitions of Argentina and the wishes of the Falkland Islanders and their allegiance to the United Kingdom. It should set aside futile arguments about who owned the Islands and focus attention instead on the people who inhabited them, how long they had been there and whether or not they had displaced an indigenous population. The people of the Falkland Islands also had rights under the United Nations Charter and the Committee should recognize their right to self-determination.

10. Mr. Goss withdrew.

11. At the invitation of the Chairman, Mr. Stevens took a place at the petitioners' table.

12. Mr. STEVENS, a member of the Legislative Council of the Falkland Islands, said that many families in the Falkland Islands could trace their names back to the 1830s. The same was true of many Argentine family names, including those of some members of the party currently in power, like Menem, Di Tella and Petrella. In fact, well over six and a half million Europeans had settled in Argentina between 1840 and 1950. During those years the Falkland Islands were being peopled by British immigrants while Argentina, like many other Latin American countries, was becoming a melting pot for European immigrants, especially Italians, Spaniards, Germans, Slav and British. There the similarities ended because, as the Falkland Islands grew from strength to strength in a law-abiding climate, Argentina suffered from dictatorships, civil wars and frequent revolutions.

13. At the time of their discovery, there had been no sign of any indigenous populations on the Falkland Islands. The fact that the Europeans had fought over the right to colonize the Islands had little relevance at the current time, since such fighting had been commonplace over more than half the globe during that period. Since the British had gotten the upper hand in the Falkland Islands more than 160 years previously, peace and calm had prevailed, except for a few months during 1982.

14. In Argentina there had been an indigenous population. It was well documented that the European settlers had annihilated the native Indians of

Argentina. In the same decade that the population of the Falkland Islands was starting to import sheep, Juan Manuel de Rosas had been busy subduing the indigenous people of Argentina. While sheep farmers in the Falkland Islands were selling over 2 million pounds of wool in the late 1870s and early 1880s, Argentina had been finally beating back the Indians out of the best lands of the pampas and the Rio Negro.

15. Argentina's claim went back to a time when the world was undergoing great changes. All civilized countries should ask themselves whether there was room for expansionist aspirations in the contemporary world. In another time, it was acceptable for the strong to conquer the weak. However, in the civilized parts of the world today, even the smallest minorities had the right to be heard. The people of the Falkland Islands had no wish to be colonized by another country. Furthermore, many countries annexed or otherwise obtained territory after the future of the Falkland Islands had been decided: the United States of America annexed Texas in 1845 and bought Alaska from Russia in 1867.

16. The Falkland Islands had a future. It had a developing fishing industry which generated a reasonable income. Over the years, the financial resources of the Islands had enabled its inhabitants to develop and to enjoy their own way of life, while at the same time becoming more and more politically autonomous. Much had been said recently about the Islands' new desire to have their right to self-determination acknowledged. That was not new, since the Islands had been asking for that recognition since the end of the war. There were some in Argentina who believed that the Islanders could be won over by seduction. Argentina was a big and attractive country, but that did not mean that the Islanders wished to be a part of it.

17. Argentina and the Falkland Islands shared the same region of the world, exploited its fisheries resources in separate economic zones and monitored those resources for the common good. The differences between the two countries should not interfere with the survivability of marine species or damage the underwater environment. The environment of Argentina and of the Falkland Islands would come under great risk as the oil industry began its exploration phase and under even greater risk if exploitation began.

18. History had shaped the destiny of the Islands over 160 years earlier. Argentina and the Falkland Islands were different in character and culture. The people of the Falkland Islands had no wish to be part of Argentina whose claim was linked to a time when boundaries were constantly changing hands. Many of the claims that had been forgotten over time had more substance than the tenuous and fragile link in which Argentina placed so much faith. For their part, the people of the Islands wished to continue to mature as a nation. It was useful to recall the example of Canada, where the islands of St. Pierre and Miquelon, which were administered by France, were but a stone's throw from Newfoundland. The Islanders wished to exercise the basic right of self-determination, a right which the Committee recognized in all other resolutions relating to territories under its purview. Some members of the Committee had suggested that if the Falkland Islands did not have that right, as Argentina argued, then the Committee should not be discussing the issue at all. The people of the Falkland Islands had no wish to be a colony of Argentina.

19. The Falkland Islands trusted that the time would come when they would maintain excellent neighbourly relations with Argentina. However, that could not be achieved through a transfer of sovereignty. The Falkland Islands could not be returned to a native population, because none had ever existed. Their development over the past 160 years mattered much more than any of the previous settlements by other nations, which had lasted for only brief periods of time.

20. Mr. Stevens withdrew.

21. Mr. Samana (Papua New Guinea) took the Chair.

22. Mr. YARKA (Papua New Guinea) said that Papua New Guinea had not changed its position regarding the question of the Falkland Islands (Malvinas). Its decision to sponsor the important consensus draft resolution on the question was based on the fact that the sovereignty claim by Argentina and the United Kingdom had given rise to an ongoing dispute, recognized as such by the international community and highlighted in numerous General Assembly resolutions.

23. Papua New Guinea fully supported the efforts undertaken by Argentina and the United Kingdom to resolve the issue through consultation and dialogue. It therefore urged the parties to seek the good offices of the Secretary-General with a view to the immediate resumption of negotiations that would pave the way for a peaceful solution to the sovereignty dispute.

24. At the invitation of the Chairman, Mr. Vernet took a place at the petitioners' table.

25. Mr. VERNET, the great-great-grandson of the first Argentine Governor of the Malvinas Islands and an Argentine citizen, asked the Committee to promote a solution to the irregular situation in the Malvinas Islands, which was contrary to the rights of Argentina, and to ensure that the Islands were restored to Argentine national territory.

26. He considered himself a living testimony of the Argentine citizens who had peacefully settled and flourished in the Islands, and were then expelled by force from their homes. In 1823, Don Luis Vernet had obtained a permit from the Government of Buenos Aires to exploit the herds existing on the Malvinas Islands and had peacefully moved there with his whole family, dedicating himself to their exploitation, their progress and the settlement of a population of approximately 200 people at a time when the Islands were of little value to the world in general. As a result of his proposal, the Government of Buenos Aires, as the rightful owner of sovereignty over the Islands, had authorized Don Vernet to establish a colony at the Government's expense and had granted him, through a decree of 5 January 1828, all of the land with the exception of 10 square leagues which would be reserved for the use of the national Government. The land grant was recorded in a document presented at the time to the British Chargé d'affaires and subsequently legalized by the British Vice-Consul. Those measures had been taken within the framework of the Treaty on Friendship, Navigation and Trade signed in 1825 by the United Provinces of Río de la Plata

and the United Kingdom. The Treaty which was of vital importance, for it recognized Argentina as the sovereign country and made no mention of either the Malvinas Islands or any reservation concerning British rights over the Islands, which at the time were under the administration of the United Provinces of Río de la Plata which had taken formal possession of them in 1820 under an act that had been disseminated throughout the world. In 1829, however, following the publication of a decree naming Don Luis Vernet as Governor of the Malvinas and the South Atlantic Islands, Great Britain had unexpectedly lodged a protest claiming that the decree was incompatible with British rights over the Islands.

27. In 1831, a stable population lived in the Malvinas Islands, as confirmed by a report submitted by Captain Robert Fitz Roy to the British Government on the Malvinas Islands, which gave an account of the voyage of the "Beagle" to the Islands, his stay there and his contact with the Governor and his family.

28. Clearly, thanks to the sacrifices of the settlers in an extremely inhospitable region, the Malvinas in those days had been a prosperous colony where ships from all nations put into port for supplies. That situation had aroused the greed of the United Kingdom, the greatest naval power of those times. Thus, in January 1833, the warship "Clio", under Captain J.J. Oslow, had landed in Soledad Port, raised the English flag, lowered the Argentine flag, and urged the Islands' inhabitants to leave. Argentina's ongoing claims dated back to that time. After four years in which the land belonging to Don Luis Vernet had been respected as private property, the English occupants had demanded that he should withdraw all of his possessions, failing which, the English Government would not be responsible for them. Subsequently, the British Government had sold the land to the so-called Falkland Islands Company.

29. The Committee had already heard those who represented the Malvinas seeking recognition by the international community. They considered themselves British and they wished to remain British. They were requesting their self-determination in the territory without any legal grounds whatsoever to do so. The opposite extreme was Argentina, which should have had the support of the international community. It had been a sovereign State since 1816 and in 1833 had suffered acts of colonization at the hands of Great Britain. Its citizens had been expelled by force and since that time, had had difficulty entering the Islands. There were no Argentine citizens on the Islands because they had never been allowed to reside there, but there were British citizens on the Argentine mainland who had been able to prosper, thanks to the existing laws and liberties and had grown to form a large community. The inhabitants of the Malvinas Islands did not realize that the principle of self-determination could not be invoked with respect to the Islands as their inhabitants were British citizens or descendants of illegal immigrants. Therefore, there was no population under colonial rule but rather a settlement of British citizens. The Islands were under colonial rule, not their inhabitants.

30. Argentine-British relations were currently extremely cordial. Within that framework, the problem of sovereignty over the Malvinas Islands must be faced, taking into account the interests of the islanders. He therefore lamented the intransigent attitude of the Legislative Council of the Islands, which had suggested that the entry of Argentine citizens should be prohibited in the

belief that, in that way, the Argentines would relegate to oblivion a territory which historically belonged to them.

31. The question could be resolved within a framework of mutual respect of the parties' rights. The historic moment had arrived in which the two Governments could put an end to the dispute over sovereignty over the Malvinas Islands. He therefore requested the Committee to urge the United Kingdom to assume, in a peaceful and fair manner, its responsibility for resolving, together with the Argentine Republic, the sovereignty dispute over the Malvinas Islands, South Georgia and the South Sandwich Islands.

32. Mr. Vernet withdrew.

33. At the invitation of the Chairman, Mr. Ancell took a place at the petitioners' table.

34. Mr. ANCELL, the representative of the Province of Santa Cruz (Argentina) in the National Congress of Argentina and a descendant of the native people of the Malvinas, said that territorial conquests by force had lost their currency and that the Committee had performed an outstanding task in liberating territories and returning them to their rightful owners.

35. The case of the Malvinas Islands was an example of Great Britain's nineteenth-century policy aimed at extending its Empire to all continents, in particular to those territories from which it could exercise control over major routes. The forcible occupation of the Malvinas Islands, part of a general plan to occupy the South Atlantic, assured Great Britain of fishing resources in that zone and the best naval station on the route to Australia and Tasmania.

36. The current occupier could invoke no claim other than power, force and usurpation and many eminent British personalities, such as the Duke of Wellington in 1829 and Sir William Molesworth in the House of Commons in 1848, had expressed doubts concerning the rights of the United Kingdom over the Malvinas Islands. Similar doubts were expressed in studies and memoranda by the Foreign Office itself.

37. The Government of the Argentine Republic, for its part, whatever political regime was in power, had protested for many years against the pilfering of the Territory of the Malvinas Islands, invoking the basic principles of discovery, occupation and adjacency. Argentina, in ratifying before the Committee an immutable and historic claim, could refer to massive documentation which included the sham British commitment of 1790 (article 6 of the Treaty of Nootka, signed at El Escorial) to respect Spanish possessions and not to settle along the South American coasts. More recently, the Inter-American Juridical Committee of the Organization of American States (OAS) had recognized in 1976 that Argentina had an irrefutable sovereign right to the Malvinas Islands in a statement endorsed by the OAS Assembly in which it reaffirmed that the authentic ideals of its member Republics required that all occupation, usurpation, enclaves and any remaining form of colonial rule in America should be put to an end.

38. Such recognition of the Argentine claims by a vast number of States in the international community precluded international recognition of the occupation by the United Kingdom. He also wished to point out that the States allied with the United Kingdom had been extremely careful to confine themselves to acknowledging the existence of the dispute without in any way acknowledging a claim of sovereignty.

39. The Committee, for its part, had recognized in its resolutions on the question the existence of a sovereignty dispute and had stated that a peaceful solution was the way to decolonize the Territory. The Committee had repeatedly requested the Government of Argentina and the Government of the United Kingdom to resume their negotiations on sovereignty over the Islands. The Government of the United Kingdom, however, had indicated that it was not prepared to discuss the topic of sovereignty over the Malvinas Islands, disregarding the United Nations recommendations and resolutions and the views of the overwhelming majority in the international community.

40. The rejection of the British proposal to grant the islanders the right to self-determination, expressed by a large number of States at the meeting of the United Nations General Assembly held on 27 November 1985, had highlighted in no uncertain terms the inapplicability of the principle of self-determination in the Malvinas Islands and the primacy of respect for Argentine territorial integrity. It had also reaffirmed Argentina's position that, in resolving the dispute, the interests and not the desires of the islanders must be considered.

41. Argentine sovereignty over the Malvinas Islands could not be ignored by invoking the right to the self-determination of peoples. It was as illusory to think that a people could enjoy the right to self-determination when it did not possess a territory in which to exercise that right as it was to maintain that a population imported as a result of colonial occupation and which had no distinguishing traits could have any right over a territory which had been wrested by force.

42. The Committee, in adopting the draft resolution on the question, would be contributing to a peaceful and negotiated solution. It was his hope that the United Kingdom would reconsider its closed position for the sake of both countries and the international community as a whole.

43. Mr. Ancell withdrew.

44. At the invitation of the Chairman, Mr. Betts took a place at the petitioners' table.

45. Mr. BETTS wished to stress to young islanders the need to initiate a free-flowing and fruitful dialogue between Argentina and the United Kingdom in order to find a lasting solution, in accordance with the democratic constitutions of both countries, to the question of the sovereignty dispute between them.

46. Argentina had claimed the Malvinas Islands since 1833. Its Constitution established that that claim must be asserted peacefully, taking into account the lifestyle of their inhabitants, in terms of both their relations with the United Kingdom and the rest of the world. In his view, the islanders must be heeded

and they must also know the undistorted truth about the historic and legal claims of both parties. Argentina, for its part, must renew its friendship with the islanders, whose reservations were not an insurmountable obstacle, as a first step towards the initiation of a constructive dialogue. Nothing justified the lack of political will on the part of a democratic government to resolve a dispute that created a feeling of legal insecurity and political tension in the area, to the detriment of the progress and full development of the region.

47. Concerning the statement by the United Kingdom and the representatives of the islanders that the most basic concern was the exercise of the inhabitants' self-determination, he referred to two previous United Nations documents. According to document A/5725/Add.4, at the nineteenth session of the General Assembly, the Government of the United Kingdom had objected to considering the exercise of the right to self-determination in 1964 when it was still in control of some parts of its once great colonial empire, but it now invoked that same right in the case of its own colony in the Malvinas Islands. At that time, the United Kingdom had recognized that, in exceptional cases, the principle of self-determination could be considered in the light of other principles such as that of the territorial integrity of States, an argument that was applicable to the Malvinas. Second, on 27 November 1985, the General Assembly had clearly rejected the British proposal to grant the right to self-determination to the islanders, in the belief that it was not relevant to the case of the Malvinas and out of respect for Argentine territorial integrity.

48. He described a painful personal experience and said that the decision of the Government of the United Kingdom to deny Argentine citizens entry to the Malvinas Islands was an arbitrary and discriminatory measure which did not help to promote peace and cooperation. It stood in contrast to the treatment which persons from the Islands enjoyed on the Argentine mainland. Moreover, while the refusal to allow Argentine citizens to reside in the Malvinas Islands dated back more than a century, the current policy barring the immigration of Argentines reinforced the long-time and persistent policy of denying the entry of Argentine residents and capital, in contrast to the international trend towards regional integration and the free movement of persons, including in conflict areas. The seeming homogeneity of the Island community had been preserved at the expense of the exercise of fundamental individual rights.

49. Nonetheless, some positive aspects should be pointed out, such as cooperation in the conservation of fishing resources in the South Atlantic, which benefited the fishing industry, the mainstay of economic activity in the Malvinas which must continue to be preserved as a source of income. A basic understanding between Argentina and the United Kingdom on the prospecting and extraction of hydrocarbon reserves on the continental shelf would also be extremely beneficial.

50. In his view, the will of both parties had made possible a political climate conducive to calm reflection on the future of the sovereignty dispute and the possibility of arriving at a negotiated and peaceful agreement, duly taking into account the situation of the people on the Islands. That would lay the groundwork for economic cooperation in the South Atlantic.

51. Noting that the Argentine Republic had always provided the necessary guarantees and safeguards in order to resolve the sovereign dispute, he expressed his conviction that there were sufficient bases for the establishment of a harmonious, lasting and beneficial relationship among all interested parties, both on the human and economic levels. He therefore urged the Committee to use its good offices to seek a lasting solution to the question.

52. Mr. Betts withdrew.

53. Mr. PERFILIEV (Director of the Division of General Assembly Affairs) said that, in draft resolution A/AC.109/L.1844, "the" should be replaced by "this" before "question" in the last line of paragraph 3 in the English text. In the Spanish text, "la" should be replaced by "esta" before "cuestión". In the French version, "n'a pas" should be replaced by "n'ait pas" in the second line of the sixth preambular paragraph. In the third and fourth lines of paragraph 3, the phrase "de la question de l'avenir" following "tous les aspects" should be replaced by "relatif à l'avenir". The word "pacífica" should be inserted between the words "solución" and "justa" in the fourth line of the fifth preambular paragraph of the Spanish text.

54. Mr. SOMAVÍA (Chile), introducing draft resolution A/AC.109/L.1844, said that Latin America had always been committed to the cause of decolonization; in that context, a statement had been issued on 25 June 1996 by the Presidents of the States parties to MERCOSUR and associated countries. The resolution he was introducing would further contribute to the quest for a peaceful and negotiated solution to the dispute between two countries with which Chile maintained excellent relations of friendship. It was the only path to a resolution of the special colonial situation of the Malvinas Islands (Falkland). In that context, he expressed his hope that the provisions of General Assembly resolution 2065 (XX), would be speedily implemented, particularly as regarded the resumption of negotiations between Argentina and the United Kingdom. Chile greatly appreciated Argentina's willingness to reiterate its firm intention of fully respecting the lifestyle in the Islands and establishing direct links with their inhabitants. As the draft resolution introduced was not substantially different from the previous resolution, adopted on 13 July 1995, he urged the Committee to adopt it by consensus.

55. Mr. DI TELLA (Argentina) recalled the colonial origin of the question of the Malvinas Islands. Indeed, the English occupation in 1765 had been partial and precarious; the fact that they had left tangible signs of possession to indicate their intention of returning could not constitute a legal claim that was more compelling than the continuous, effective and peaceful exercise of State sovereignty over the entire archipelago for many years. In 1820, the islands were taken over in the name of the new republic which succeeded Spain, an act which the United Kingdom did not contest in recognizing Argentine independence in 1823 or in concluding a treaty on trade, friendship and navigation in 1825. In 1829, the Government of the United Provinces of Río de la Plata had established a Government on the Islands and in 1833 the English had expelled the authorities and inhabitants of the Islands and occupied them. Since that time, Argentina had never ceased to claim its right to the Islands.

56. Their history made the Malvinas Islands a special colonial case which could not be likened to the situation of other Non-Self-Governing Territories, a

situation which the Committee and the General Assembly had highlighted on numerous occasions. Thus, according to General Assembly resolution 2065 (XX) of 16 December 1965 and other resolutions, the question comprised three aspects: first, a sovereignty dispute over the Territory of the Islands; second, from the legal viewpoint, there were two parties to the dispute, Argentina and the United Kingdom; and, third, the solution to that dispute must emerge from negotiations between the two Governments, thereby ruling out the possibility of applying the right to self-determination. The General Assembly had made it clear that that right was inapplicable when it rejected an amendment proposed by the United Kingdom that included the principle of self-determination. That principle was valid only with regard to peoples who had been subjugated by a colonial power but not with regard to the descendants of settlers who had emigrated in the nineteenth century after forcibly expelling the local population. In that context, it must be taken into account that, since 1833, the Argentines had not been free to settle or own land on the Islands and that the British culture which had developed there was largely a consequence of the restrictions imposed on the movement of goods, capital and persons.

57. The spirit of General Assembly resolution 1514 (XV) of 14 December 1960, which endorsed the principle of self-determination, would be distorted if that right was granted to the subjects of the colonial Power themselves, who were British citizens with a right to reside in the United Kingdom, at the expense of the political community which had suffered colonization. It would be tantamount to making them the arbitrators of a territorial dispute in which their country was a party. The principle of self-determination must be interpreted in the light of the principle of territorial integrity recognized in resolution 1514 (XV) itself.

58. Dr. Rosalyn Higgins, the distinguished British jurist and member of the International Court of Justice, said in her work entitled "Problems and Process" that, from the perspective of the United Kingdom, the principle of self-determination played a vital role; it was a dependent territory whose people had been given the opportunity to decide on whether or not to maintain their status quo; from the British viewpoint, the desires of the Territory's inhabitants should be heeded but from the Argentine viewpoint, that was inappropriate. First of all, the people of the territory must be taken into account; as long as the party which had sovereignty could not be determined, it would not be possible to determine whether the inhabitants did or did not have the right to self-determination. Professor Antonio Cassese, in his work entitled "Self-determination of Peoples. A Legal Reappraisal", clearly stated that the inhabitants of the Malvinas Islands (Falkland) were essentially of colonial origin, in other words, they were British. The International Court of Justice, in its advisory opinion on the Western Sahara, affirmed that the validity of the principle of self-determination was not affected by the fact that, in certain cases, the General Assembly waived the requirement to consult the inhabitants of a given Territory, based on the consideration that a certain population did not constitute a people with a right to self-determination or on the conviction that consultation was totally unnecessary in view of the special circumstances. The distinguished Uruguayan jurist, Dr. Jimènez de Arèchaga, a former member and President of the Court, also expressly indicated in his work entitled "El derecho internacional contemporàneo" (International Contemporary Law), that the case of the Malvinas was an exception to the principle of self-determination in

that the General Assembly had requested the States concerned to negotiate the question of sovereignty and the transfer of the Territory and had refused to accept the results of a referendum or a consultation of the current inhabitants. Clearly, then, recognition of the principle of self-determination would imply the territorial division of the Argentine Republic.

59. Referring to more practical aspects of the situation in the South Atlantic, he said that the establishment of transportation links between the Islands and the mainland would contribute to a better understanding among the inhabitants of the region and to the development of their respective economies, as established in the documents signed by Argentina and the United Kingdom in 1990 in Madrid, within the framework of the restoration of diplomatic relations. For that reason, Argentina had advocated the establishment of transportation links between the mainland and the Islands and, for example, had authorized flights from Punta Arenas. The lack of transportation links between the Islands and the airports of Atlantic Patagonia, however, was regrettable as it created a feeling of isolation and discrimination which conspired against the economic and cultural development of the Southern region.

60. In the meantime, bilateral relations between Argentina and the United Kingdom had continued to improve from the political and economic standpoint. The two countries maintained similar positions concerning democracy, the international protection of human rights and cooperation in international relations. In the past year, a singular event had occurred which constituted an example of international cooperation between two countries divided by a sovereignty dispute: it was the joint declaration by Argentina and the United Kingdom on cooperation in the prospecting and extraction of hydrocarbons in the South Atlantic, signed on 27 September 1995. Under a formula which protected their respective positions on sovereignty, a framework was thus established for conducting coordinated activities in the vicinity of the Islands which were the subject of the dispute between the two countries. A climate of understanding and dialogue would be fostered, as progress was also achieved in other areas, such as fishing and transportation. Strides had also been made regarding Argentina's offer to assume responsibility for clearing mines that remained in the Islands from the 1982 conflict; in that undertaking, it would have the invaluable assistance of the Government of the United States of America. Moreover, the two Governments would continue to cooperate in order to make special arrangements regarding fishing, which would ensure the conservation of a living marine resources; in the South Atlantic Fisheries Commission, a dialogue had been initiated with a view to increasing cooperation. Unfortunately, the work of the Commission had been compromised by the unilateral measures taken by the United Kingdom, which sought to exercise jurisdiction over the waters of the maritime zones corresponding to South Georgia and the South Sandwich Islands in a manner which violated the provisions of the Convention on the Conservation of Antarctic Marine Living Resources. That had resulted in the exclusion of Argentine ships from the zone during the fishing season, causing huge economic losses and affecting the harmonious development of the region. Such measures compromised mutual cooperation in the South Atlantic and conspired against the framework of good will essential to achieving progress on an issue which concerned not only the respective Governments but also, in particular, the inhabitants of the Islands.

61. The attempts of the Government of Argentina to create favourable conditions for constructive dialogue had not yet received a sufficiently positive response from the United Kingdom. Argentina would spare no effort to achieve the resumption of negotiations on the central issue of the dispute, and regretted that the United Kingdom showed no willingness to do the same. The Organization of American States (OAS) had declared its support for the resumption of negotiations to seek a peaceful solution to the sovereignty dispute, and the Southern Common Market (MERCOSUR), together with Bolivia and Chile, had reaffirmed its support for the legitimate rights of the Argentine Republic in the sovereignty dispute on the question of the Malvinas Islands.

62. Addressing the inhabitants of the islands directly, he reaffirmed that disagreements over sovereignty should not stand in the way of dialogue, or obviate the usefulness of an open-ended debate which would enable further progress to be made or the abiding respect of the Argentines for the British cultural heritage and institutions, which had played such a great part in the development of democracy in the world in general and in Argentine society in particular. Argentina was essentially a pluralistic nation, proud of its multicultural origins and respectful of the customs and culture of immigrants who had settled in its territory. Its federal system of government recognized and guaranteed the autonomy of its provinces, including the management of most of their resources.

63. The sovereignty issue remained a complex one, calling for imaginative solutions. Both sides had made mistakes at various times and of various magnitudes, but the time had come to begin a new phase, in which dialogue and understanding would prevail. No solution would be found as long as contacts were restricted to a yearly exchange of views in the Committee.

64. Argentina continued to consolidate its institutions; it had repeatedly acknowledged the mistakes of the past and shown its attachment to the peaceful settlement of disputes. He trusted that the United Kingdom would respond to the requests of the international community by agreeing to come to the negotiating table, which was where civilized nations settled their disagreements. He asked the islanders not to remain indifferent to the positive evolution of Argentine institutions or to the attitude of the Argentine people toward them, renewed his Government's commitment to the preservation of their way of life, and assured them that the settlement of the dispute would be to their advantage.

65. Finally, he expressed his gratitude to the sponsors of the draft resolution before the Committee, and hoped that it would receive broad support.

66. Mr. VALLE (Brazil), speaking on behalf of the member States of MERCOSUR, as well as Bolivia and Chile, read out the "Declaration on the Malvinas" adopted at the Tenth Meeting of the Presidents of MERCOSUR on 25 June 1996, the text of which was as follows:

> "The Presidents of the States members of the Southern Common Market (MERCOSUR) and the Presidents of the Republic of Bolivia and the Republic of Chile reaffirm their support for the legitimate rights of the Argentine Republic in the sovereignty dispute on the question of the Malvinas Islands and recall the desire of the countries of the hemisphere that an early

solution be found to the long-standing sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland with respect to the said territory, in accordance with the resolutions of the United Nations and the Organization of American States."

67. Mr. RODRÍGUEZ PARRILLA (Cuba) emphasized the contribution of the Committee to the settlement of the sovereignty dispute concerning the Malvinas (Falkland) Islands. Cuba reaffirmed its support for the legitimate rights of the Argentine Republic in that dispute and for its sovereignty over the islands, and hoped for a swift resumption of negotiations to achieve a peaceful and just solution, with the cooperation of both parties, duly taking account of the interests of the islanders. His delegation had joined the sponsors of the draft resolution in the belief that the text would help to achieve that solution.

68. Mr. de ROJAS (Venezuela) said that his delegation had decided to sponsor draft resolution A/AC.109/L.1844 in order to confirm its unswerving commitment to the cause of decolonization and contribute to creating a suitable climate for the settlement of the dispute between two countries with which Venezuela maintained excellent relations.

69. His delegation reaffirmed its conviction that peaceful negotiation was the only way to put an end to the special situation of the Islands, taking note of the declaration of the member States of the Southern Common Market (MERCOSUR), together with Bolivia and Chile, regardingg the finding of an early solution in accordance with the resolutions of the United Nations and the Organization of American States.

70. His delegation hoped that the Committee would adopt the draft resolution, which differed little from the one adopted the previous year.

71. Mr. FARHADI (Afghanistan) said that the matter before the Committee reflected a rather complex colonial situation, which had given rise to a major dispute and even a serious armed conflict, at a very high cost not only to the islanders and the parties to the conflict, but also to the whole world. For that reason, although Afghanistan belonged to a different part of the world, it expressed its concern regarding the issue and believed that the United Kingdom and Argentina should hold negotiations in order to achieve a lasting peace. In any case, he was convinced that a settlement would eventually be reached and hoped that the draft resolution would be adopted by consensus.

72. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to adopt draft resolution A/AC.109/L.1844 without a vote.

73. Draft resolution A/AC.109/L.1844 was adopted.

74. Mrs. KHAN-CUMMINGS (Trinidad and Tobago) said that, although she had joined the consensus on the draft resolution, she would have preferred the text to include a reference to the principle of self-determination in accordance with the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV).

75. Bearing in mind the improvement in relations between Argentina and the United Kingdom, her Government urged the two States to resume negotiations to achieve a peaceful solution to the issue.

76. Mr. DURING (Sierra Leone) commended the efforts of Argentina and the United Kingdom to reach a peaceful settlement of the dispute. The wishes and interests of the islanders should be borne in mind, and it would have been preferable for the resolution to include an appropriate reference to the important issue of their right to self-determination.

The meeting rose at 5.35 p.m.

UNITED NATIONS **A**

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1458th MEETING

Held at Headquarters, New York,
on Tuesday, 23 July 1996, at 10 a.m.

Chairman: Mr. SAMANA (Papua New Guinea)

CONTENTS

QUESTION OF GIBRALTAR

ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION

QUESTION OF EAST TIMOR

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96-80991 (E)

The meeting was called to order at 10.55 a.m.

QUESTION OF GIBRALTAR (A/AC.109/2057)

1. The CHAIRMAN said that the delegation of Spain had indicated its wish to participate in the consideration of the question of Gibraltar, and suggested that the Committee should invite the representative of Spain to take a place at the Committee table.

2. It was so decided.

3. The CHAIRMAN informed the Committee that the Chief Minister of Gibraltar, Mr. Peter Caruana, had asked to make a statement on the item under consideration; he suggested that the Committee should accede to that request.

4. It was so decided.

5. Mr. CARUANA (Chief Minister of Gibraltar) reaffirmed the conviction of Gibraltarians that Gibraltar was their homeland, their birthright and the legitimate inheritance of their children. Those rights arose not only from legal and technical foundations but also from an identity which was distinct both from the British and from the Spanish. Gibraltarians were the unique product of 300 years of development, a cohesive people shaped by many different cultural, ethnic and religious influences. Without denying their long history of association with the United Kingdom, the people of Gibraltar were determined to win recognition of their right to self-determination, with the help of the Special Committee. The main obstacle to the achievement of their aspirations remained Spain's continued anachronistic claim to sovereignty over Gibraltar, and its sustained campaign of psychological, economic and political pressure. That hostility had led to a relationship with the Spanish State which was marked by resentment and mistrust; however, there were numerous exchanges between the communities on both sides of the frontier, based on the recognition that they shared a common environment and that there was great capacity for economic and cultural cooperation between them.

6. Those contacts were useful but they were not a substitute for the need to establish a new climate between London, Madrid and Gibraltar. The election of a new Government in Gibraltar presented an opportunity to pursue such an approach. Gibraltarians wished to exercise their right to self-determination through dialogue and cooperation, rather than through confrontation. While the decolonization of Gibraltar without Spanish acquiescence would be an improvement over its current status, it would not be the preferred option; the Government of Gibraltar would prefer a process that was acceptable to the neighbouring State.

7. Section IV (H) of the working paper prepared by the Secretariat on the subject (A/AC.109/2057), concerning crime and crime prevention, gave an inaccurate representation of the position in respect of drug trafficking and other smuggling in Gibraltar. Spain's remarks on that subject were particularly regrettable. In fact, the Government of Gibraltar had taken stern measures in 1995 to curtail such illegal activities, and that had been publicly recognized by the Spanish authorities themselves. Since then, trafficking had practically

ceased. Spain's failure to recognize, at the United Nations, the enormous efforts that Gibraltar had made and the outstanding success it had achieved in that area was inexplicable. Spain would do well to take similar measures against trafficking within its own territory. Section H also referred to the permissive financial system of Gibraltar which, according to the Spanish authorities, was made up of "shady companies" which presented "an impregnable obstacle to the eradication of drug trafficking". In fact, Gibraltar's company law was based on that of the United Kingdom and the common law systems prevalent throughout the Commonwealth. Its banking system conformed with European Union directives, as did its regulations against money laundering. The problem was not that the system was permissive, but rather that Spain, by refusing to recognize Gibraltar's courts of law, refused to avail itself of existing mechanisms in the international fight against drugs.

8. The sole purpose of Spain's accusations against Gibraltar was to cast doubt on the legitimacy of the Gibraltarians' claims to be a people having a right to self-determination.

9. Gibraltar also rejected the assertion of the representative of Spain, made in paragraph 62 of the same document, that according to the United Nations doctrine, the decolonization of Gibraltar was not a question of self-determination but rather a question of restoration of the territorial integrity of Spain. General Assembly resolutions 1514 (XV) and 1541 (XV) stated clearly that there was only one process of decolonization, namely self-determination.

10. The first priority was therefore to build trust among the three parties, by recognizing that the Gibraltarians were the main participants in all matters affecting Gibraltar. Trilateral talks should be set up in which Gibraltarians would have their own voice alongside that of their partners. The present-day democratic and liberal Spain would recognize that any process of cooperation which involved coercion upon Gibraltar should be rejected. The European Union should also attempt to reduce the tensions which marred relations between two of its Member States. Progress must be made and the solution of other conflicts, such as those in the Middle East and South Africa, made it possible to hope that the principles of democratic participation and self-determination would also be brought to bear on the Territory. Gibraltar simply wished to be recognized as a small community within the European Union, that was seeking to decide its future status freely and in harmony with its neighbours.

11. Mr. KHAN (Secretary of the Committee) said that section H of document A/AC.109/2057 was based on the positions of the Governments of Spain and the United Kingdom.

12. Mr. PÉREZ-GRIFFO (Spain) recalled that the decolonization of Gibraltar was a priority for his country. The people and the various political movements of Spain wished to restore the country's territorial integrity, and the United Nations had, in a number of resolutions, established that the decolonization of the Territory should take place in accordance with the principle of territorial integrity. General Assembly resolution 1514 (XV) stated that the principles of self-determination of peoples and of territorial integrity must be compatible; that point was of paramount importance. General Assembly resolution 2625 (XXV) reaffirmed that any breach of the territorial integrity of States was

incompatible with the purposes and principles of the Charter of the United Nations. Resolution 2353 (XXII) on the question of Gibraltar stated that any colonial situation which partially or completely destroyed the national unity and territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations; and resolution 2429 (XXIII) had reaffirmed that the continuation of the colonial situation in Gibraltar was incompatible with the purposes and principles of the Charter.

13. In accordance with the wishes of the General Assembly, the Governments of Spain and the United Kingdom had agreed, by the 1984 Brussels Declaration, to begin negotiations in 1985, and those negotiations had continued since that time. The Gibraltarians had participated in them within the framework of the British delegation until 1988, when they had decided to withdraw; that had been a regrettable decision, and the local authorities should reconsider it.

14. Spain had no intention of harming the people of Gibraltar, and would take their interests and their autonomous institutions into account. The Government was prepared to guarantee all those aspects in the context of a negotiated settlement. Dialogue must go ahead, with the participation of the Gibraltarian authorities. However, the Spanish Government had reservations concerning certain petitions and statements that had been made at the current meeting and it reserved the right to make a further statement on the subject at the appropriate time.

15. Mr. Pérez-Griffo withdrew.

16. The CHAIRMAN said that the Committee had concluded its consideration of the question of Gibraltar.

ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION (A/AC.109/L.1846 and 1847)

Draft resolution A/AC.109/L.1847

17. Mrs. KHAN-CUMMINGS (Trinidad and Tobago) proposed replacing "self-determination and independence" by "self-determination, including independence" in paragraphs 1, 4 and 13 of the draft resolution and deleting the word "full" in paragraph 12.

18. The CHAIRMAN proposed that the Committee should adopt draft resolution A/AC.109/L.1847, as orally revised, without a vote.

19. It was so decided.

Draft decision A/AC.109/L.1846

20. The CHAIRMAN proposed adopting draft decision A/AC.109/L.1846 without a vote.

21. It was so decided.

QUESTION OF EAST TIMOR

22. The CHAIRMAN said that the delegation of Sao Tome and Principe, speaking also on behalf of Angola, Cape Verde, Guinea-Bissau and Mozambique, had asked to participate in the discussion of the question of East Timor. He proposed that the Committee should grant its request.

23. It was so decided.

24. The CHAIRMAN drew attention to the working paper prepared by the Secretariat (A/AC.109/2049 and Corr.1 and 2) and to the request for hearings contained in aide-mémoire 10/96/Add.1.

25. Mr. BAPTISTA (Indonesia) said that his delegation strongly objected to consideration of the question by the Special Committee. Recalling that the General Assembly had been deferring consideration since 1983, he said that the Committee, which had its mandate from the Assembly, should do likewise. While it was true that East Timor was on the list of Non-Self-Governing Territories, it was important to consider not so much the situation which prevailed at the time the list was drawn up as that which currently prevailed. His delegation was also strongly opposed to the hearing of petitioners on the question of East Timor.

26. Mr. GAMITO (Portugal) said that, in accordance with General Assembly resolution 1542 (XV), East Timor was a Non-Self-Governing Territory. Because it had that status, which Portugal had recognized in its Constitutional Act of 1974, East Timor, like all other Non-Self-Governing Territories, had always been included in the agenda of the Special Committee: at first as a Territory under Portuguese administration and, after 1975, as a separate question. Every year, the Secretary-General requested Portugal to provide him with information under Article 73 e of the Charter of the United Nations, and the Portuguese Government had always complied. Portugal confirmed its status as an administering Power, even though, de facto, the illegal occupation of the Territory by Indonesia prevented it from exercising that responsibility. It always cooperated actively with the Special Committee, whose competence it fully recognized. In any case, the fact that the General Assembly had deferred consideration of the question had never led the Special Committee to remove the question from its agenda or to refrain from considering it. He also wished to point out that the purpose of such consideration was to prepare a report for presentation to the Assembly at its fifty-first session. Moreover, the question of East Timor was included in the Assembly's provisional agenda.

27. Obviously, East Timor had not been decolonized and Indonesia forcibly and illegally occupied the Non-Self-Governing Territory, in violation of the relevant General Assembly and Security Council resolutions. The situation could

not be invoked to justify neglect of the question by the Special Committee; if it did neglect the question it would no longer be discharging the mandate conferred upon it. As long as discussions between the interested parties were taking place under the auspices of the Secretary-General, changing the framework in which the question of East Timor was considered by the United Nations would introduce an element of instability and stall action by the Secretary-General.

28. Mr. BAPTISTA (Indonesia) said that East Timor had indeed been decolonized and that the Territory had exercised its right to self-determination and had chosen integration into Indonesia.

29. Mr. GAMITO (Portugal) said that the United Nations recognized East Timor not as a Territory integrated into Indonesia but rather as a Non-Self-Governing Territory.

30. The CHAIRMAN proposed to the Committee that it should grant the requests for hearings which had been submitted to it.

31. It was so decided.

32. At the invitation of the Chairman, Ms. Pires (União Democrática Timorense) took a place at the petitioners' table.

33. Ms. PIRES (União Democrática Timorense) said that her organization had first delivered a statement to the Special Committee in 1987 when it had denounced the integration of East Timor as the so-called 27th province of Indonesia. The human rights situation since then had worsened steadily, as a direct consequence of the illegal annexation of the Territory. The question of East Timor had today become a subject of concern for many people all over the world and was considered in international bodies by the highest-level authorities.

34. The situation inside the Territory had become volatile. Young people were prepared to demonstrate in the streets, risking their lives, in order to express their despair and their dissatisfaction, and to appeal for the support of the international community so that they could realize their aspirations to peace and freedom. The repression perpetrated by the Indonesian army and the fear and violence it had spread in the Territory had become intolerable for the inhabitants. The "transmigration" programme, designed to expel inhabitants from their ancestral lands and marginalize them in their own country, was an example of a more subtle strategy to deprive the East Timorese of their rights.

35. The people had not yet had an opportunity to exercise their right to self-determination, because the decolonization process initiated by Portugal had been aborted in 1975 when Indonesia had invaded the Territory. The General Assembly and the Security Council had adopted 10 resolutions on the question, all of which reaffirmed that right.

36. In the context of self-determination and independence, the concept of development could sometimes be misleading. Development and stability were two different concepts for purposes of determining who the beneficiaries and what the objectives of development were. For example, road-building, by facilitating

the movement of the army and enabling it to tighten its control over a Territory, was not conducive to increasing stability any more than the establishment of family planning services which inspired fear and mistrust in the local population. The depletion of forests in East Timor by military-owned conglomerates was not favourable to development of the Territory either.

37. The Special Committee must also protect the rights of women to self-determination, in particular, their reproductive rights as one of the essential components of the process. In that connection, the United Nations Population Fund (UNFPA) had recently published a report which cited East Timor in the category of the most underpopulated Territories in the world, with an extremely high infant mortality rate. Even though it was extremely underpopulated and had lost almost approximately one third of its population since 1975, the Territory was compelled to follow an aggressive family planning programme which specifically targeted women. According to various sources, many East Timorese women were subjected to forced sterilization. There were also many instances of rape by soldiers of the Indonesian army, which was not only a violation of women's rights but also of the fundamental rights of a people. Rape was used as a tool of war in East Timor. The Indonesian Government was thus attempting to use force in order to assert its sovereignty over the East Timorese and to deny them the right to self-determination.

38. In conclusion, she urged the Special Committee to take all necessary steps within its mandate in order to ensure that the East Timorese could exercise their right to self-determination and that a just and comprehensive solution was found to the question of East Timor.

39. Ms. Pires withdrew.

40. At the invitation of the Chairman, Mr. Le Melle (Amnesty International) took a place at the petitioners' table.

41. Mr. LE MELLE (Amnesty International) noted that no firm proposal for improving the situation in East Timor, particularly in the field of human rights, had been made during the eighth round of United Nations sponsored talks between the Ministers for Foreign Affairs of Indonesia and Portugal. The protection of human rights should be at the core of any discussion concerning the future of the Territory. The people of East Timor, however, should not have to await the final outcome of those discussions for an end to the torture inflicted on them at the hands of Indonesian security forces and the Indonesian Government should take immediate steps to improve the human rights situation in the Territory.

42. In order to put an end to the gross violations of human rights in East Timor, Amnesty International had proposed the previous year that, among other things, the Indonesian Government should take concrete action to address the root causes of such violations, that independent monitoring of violations should be guaranteed and, finally, that the international community should consistently condemn abuses. None of those steps had been taken and the human rights situation in East Timor had deteriorated further with extrajudicial killings, "disappearances", arbitrary arrests, torture, beatings and unfair political trials continuing throughout the year. Amnesty International was particularly

concerned that disturbances in the Territory were sometimes being used as a pretext for waves of arrest. The initiatives taken by the Indonesian Government during the year were purely cosmetic and directed principally at the appeasement of international and domestic critics.

43. During his visit to Indonesia in December 1995, the United Nations High Commissioner for Human Rights had recommended, inter alia, that the Indonesian Government should cooperate fully with the United Nations in the field of human rights, compensate the victims of the Dili massacre, continue the search for persons who had "disappeared", grant clemency to civilians who had been convicted for expressing political dissent, and repeal its anti-subversion law. The High Commissioner had also suggested that the Indonesian National Commission for Human Rights should consider investigating past violations, including the events which had taken place in Dili in 1991. Amnesty International welcomed those recommendations but was extremely concerned that the Indonesian Government had not acted on them. Moreover, the authorities had given no indication of any intention to release East Timorese prisoners of conscience. The fact that the Government had, with rare exceptions, failed to conduct any investigations of the events in Dili and other violations committed in East Timor had led to virtual impunity for the security forces.

44. While it was true that the International Committee of the Red Cross now had greater access to detainees in East Timor, that alone would not bring an end to the torture and ill-treatment which they suffered. The recent establishment in Dili of an office of the Indonesian National Commission for Human Rights was a welcome step. However, the limitations on the power and functions of that body meant that its role was necessarily limited. In any case, the Commission could not be a substitute for international, independent monitoring.

45. The concessions made by the Indonesian Government with regard to access to East Timor were insufficient. Amnesty International was among those organizations still being denied such access, as were the international media. The provisional agreement by the Indonesian Government to look into the possibility of assigning a UNDP representative in Jakarta to follow up the implementation of technical cooperation agreements was insufficient. Such a presence would have no impact at all on the human rights situation in East Timor unless the representative in question had full access to the Territory and a specific mandate to monitor the human rights situation there. The international community must cease to accept uncritically the Indonesian Government's vague promises of cooperation.

46. The lack of genuine political will on the part of the Indonesian Government should now be evident to all concerned. Most of the recommendations of the United Nations Commission on Human Rights and other United Nations organs were still to be implemented. Yet the Commission continued to ignore that fact and refused to note that, despite Indonesia's promises of cooperation, no progress had been made in protecting and promoting the human rights of the people of East Timor. It was time for the international community to ensure that the Indonesian Government was held to its commitments in that regard.

47. Mr. Le Melle withdrew.

48. At the invitation of the Chairman, Mr. Wainfeld (TAPOL - the Indonesia Human Rights Campaign) took a place at the petitioners' table.

49. Mr. WAINFELD (TAPOL) said that the military occupation was at the core of the just struggle of the people of East Timor for self-determination. The Indonesian military structure had changed over the years; in the early years, all military operations had been directly controlled by the armed forces headquarters in Jakarta. A special military command had been set up for that purpose. The massive military operations from 1977 to 1982 were devastating proof of the ferocity of the battle waged by that military command (KOOPSKAM) to crush the resistance. By the late 1980s, the new kind of resistance waged by young people, a sort of Intifada, had led to the disbanding of KOOPSKAM and its replacement by a special command (KOLAKOPS) which focused primarily on counter-insurgency operations. KOLAKOPS had itself been disbanded and replaced by an ordinary regional territorial command called KOREM, which was the same type of command that existed elsewhere in Indonesia. Nevertheless, East Timor continued to be regarded as a trouble spot by the Indonesian armed forces which were still sent there for tours of duty of between three and six months. Platoons were still located in villages ostensibly for civilian duties, although in reality they were there to keep watch over the population, in particular young people suspected of involvement in clandestine activities.

50. Since the invasion in 1975, East Timor had been treated as a special military project and had become a kind of laboratory for various military strategies and tactics. Since the dissolution of KOLAKOPS, the Indonesian police force, which was an integral part of the armed forces, had become the new arm of repression. That cosmetic change from the army to the police was an attempt to improve the battered image of the Indonesian army, which had been the object of international condemnation in the wake of the Santa Cruz bloodbath in 1991. That did not mean, however, that the human rights situation was any better.

51. By and large, the role of the KOPASSUS, the notorious red berets, was still dominant. Their aim was to mould the East Timorese into model Indonesian citizens, using all possible means, including force.

52. The Santa Cruz massacre had catapulted the East Timor drama onto the international arena and the seriousness of the problem of human rights violations had been recognized. In international forums, and within the European Parliament and the European Union in particular, the illegal occupation of the Territory had been criticized as never before. Similar pressure was also being brought to bear inside Indonesia. The Indonesian public had become aware that something terribly wrong was happening in East Timor. Many young people and the new pro-democracy movement in Indonesia were nowadays calling for a just solution to the problem along the lines of an internationally organized referendum that would permit the people of East Timor to exercise their right to self-determination.

53. The international community did not recognize the integration of East Timor into Indonesia and the fact that the question was included in the agenda of the Special Committee was proof of the illegal nature of the occupation. East Timor was still a Non-Self-Governing Territory. As a result of international

pressure, the Indonesian Government had grudgingly accepted international standards as being applicable to East Timor. Similar pressure would have to be exerted for Indonesia to agree to the presence in the Territory of United Nations human rights monitors.

54. It was a matter of profound regret that the meetings between the Ministers for Foreign Affairs of Indonesia and Portugal, which had been held under the auspices of the United Nations Secretary-General, had virtually reached a stalemate because of the unwillingness of Indonesia to discuss matters of substance. The United Nations should take new initiatives to end such intransigence.

55. Mr. Wainfeld withdrew.

56. At the invitation of the Chairman, Mr. Seltzer (Philippine Solidarity with East Timor and Indonesia) took a place at the petitioners' table.

57. Mr. SELTZER (Philippine Solidarity with East Timor and Indonesia) said that for more than 20 years the Maubere people had resolutely struggled against Indonesia's illegal occupation of their homeland. Although they had achieved some success, the international community, nevertheless, should urgently take concrete action in order to bring about a just resolution of the question of East Timor, put an end to the torture and suffering endured by the population and restore peace. The countries of the Asia-Pacific region, particularly those that were members of the Association of South-East Asian Nations (ASEAN), had an important role to play in that regard. Although the Asia-Pacific region had become increasingly important economically over the past few years, it was also the region where the worst cases of human rights violations were committed and where some countries had even challenged the universality of human rights. Although the international community gave great attention to that region, no Government was seeking to find a just solution to the East Timor problem. He wished to note in particular the hypocrisy of the ASEAN member countries in their so-called efforts to promote peace and development in the region. One might ask what principles guided the Association, which had recently decided to improve its relations with the military Government of Myanmar. On that occasion, President Suharto had called upon powerful States not to interfere in the internal affairs of other countries.

58. Mr. BAPTISTA (Indonesia), speaking on a point of order, objected to the remarks made by the previous speaker, which, in his opinion, bore no relation to the topic under discussion.

59. The CHAIRMAN requested the petitioner to observe the Special Committee's rules in that regard.

60. Mr. CAMITO (Portugal) asked the representative of Indonesia to explain his comment and said that petitioners were entitled to speak freely.

61. Mr. BAPTISTA (Indonesia) expressed strong objections to the remarks made by the previous speaker.

62. Mr. SELTZER (Philippine Solidarity with East Timor and Indonesia), resuming his statement, said that if ASEAN could not find any leaders to represent it other than the President of Indonesia, who had proclaimed the official integration of East Timor into his country, contrary to the aspirations of the East Timorese themselves, or the Indonesian Minister for Foreign Affairs, who continuously denied the existence of a legitimate resistance movement in East Timor, there was very little hope that the Association could ever put forward a peace plan for the Territory. How could Indonesia be an agent for peace in other parts of the region and an agent of violence against the East Timorese people? How could other Governments turn a blind eye to the atrocities committed in the Territory by the Indonesian military?

63. He appealed to the Committee to help put an end to the increasing human rights abuses in East Timor as well as the arbitrary arrests and the sexual exploitation of East Timorese women by Indonesian soldiers, and to work for the release of all political prisoners and he called upon the Committee to urge the ASEAN member countries to take constructive measures in East Timor and promote genuine peace in the region. The East Timorese people deserved no less than the full exercise of their inalienable right to self-determination.

64. Mr. Seltzer withdrew.

65. At the invitation of the Chairman, Mr. Hoffmann (Watch Indonesia!) took a place at the petitioners' table.

66. Mr. HOFFMANN (Watch Indonesia!) said that his group, which had been founded in 1991, consisted of Indonesians, Portuguese and Germans and aimed to promote democracy and respect for human rights in Indonesia and East Timor; through its activities, it sought to raise the awareness of German society and influence the policy of the German Government.

67. In 1995 and 1996, more than 200 young Timorese had sought refuge in several foreign embassies in Jakarta. Eight of them, who had tried to enter the German Embassy, had been handed over to the Indonesian military, who had then beaten them in the presence of a camera team. That proved that the Indonesian Government did not fear any consequences of its disregard for human rights.

68. Indonesia had annexed East Timor more than 20 years earlier, in violation of international law. Although it had never recognized that annexation and despite the continuous violation of human rights, the international community had failed to exert the necessary pressure on that country to find a peaceful solution.

69. In February 1996, his group had joined approximately 40 other organizations from around the world in issuing a statement on the nearly 200 requests for political asylum addressed to several embassies in Jakarta, indicating that all the requests had been refused and that the only choice for those who had submitted them was to go to Portugal, which had already received more than 75 such persons in the past four months. Dozens had been arrested by Indonesian security forces and others had been expelled from the embassies where they had sought refuge and handed over to the police. Those young people were fleeing persecution in East Timor, where the military repression continued to intensify.

by emigrating to Portugal, Australia and elsewhere. They confronted the international community with a new problem, forcing Governments to take immediate decisions that would affect the future of the individuals concerned as well as that of the nation of East Timor.

70. In that connection, all Governments with embassies in Jakarta should exert pressure on Indonesia to take immediate steps to improve the human rights situation in East Timor and should instruct their embassies to do everything possible to comply with requests for political asylum submitted to them. Embassy premises could not be entered by Indonesian personnel without prior authorization, and countries should assume their legal obligations and insist on respect for their rights. A mechanism should be established enabling asylum-seekers to express their wishes and freely choose their country of immigration and putting an end to pressures designed to send them systematically to Portugal. Asylum-seekers should also be given access by telephone to lawyers in the country where they wished to live. Furthermore, Governments that asked Portugal to accept asylum-seekers from their embassies should state publicly that they were taking that step because Portugal was the internationally recognized administering authority for the Non-Self-Governing Territory of East Timor.

71. All democratic countries should assist Portugal, for which accepting greater numbers of East Timorese refugees was becoming an increasing economic burden. As numerous Security Council and General Assembly resolutions had stated, Indonesia's brutal invasion and occupation of East Timor created an international responsibility. Accepting refugees was part of that responsibility.

72. The role of the United Nations in resolving the question of East Timor was crucial. He therefore asked the Special Committee to influence the Indonesian Government to improve the human rights situation in the Territory so that the people were no longer forced to seek refuge in foreign embassies. The Committee should also actively support the right to self-determination of the East Timorese and their demand for a referendum in international forums.

The meeting rose at 12.55 p.m.

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1459th MEETING

Held at Headquarters, New York,
on Tuesday, 23 July 1996, at 3 p.m.

Chairman: Mr. SAMANA (Papua New Guinea)
(Acting Chairman)

CONTENTS

QUESTION OF EAST TIMOR (continued)

QUESTION OF NEW CALEDONIA

Hearing of petitioners

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

96-81000 (E)

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The meeting was called to order at 3.25 p.m.

QUESTION OF EAST TIMOR (continued) (A/AC.109/2049 and Corr.1 and 2)

QUESTION OF NEW CALEDONIA

Hearing of petitioners (Aides-mémoire 10/96 and Add.1 and 2)

1. The CHAIRMAN said that he had received additional requests for hearings of petitioners on the questions of East Timor and New Caledonia which had been circulated in aides-mémoire 10/96/Add.2 and 11/96/Add.1, respectively.

2. Mr. BAPTISTA (Indonesia) reiterated his firm opposition to the participation of petitioners in the consideration of the so-called question of East Timor.

3. The CHAIRMAN said that, if he heard no objections, he would take it that the Committee agreed to the requests for hearings.

4. It was so decided.

5. At the invitation of the Chairman, Mr. Pinto (National Council of Maubere Resistance) took a place at the petitioners' table.

6. Mr. PINTO (National Council of Maubere Resistance) said that the organization which he represented was composed of all the nationalist groups struggling for the right to self-determination and independence for East Timor. It had also been the organizer of the peaceful demonstration on 12 November 1991 which had preceded the massacre of over 200 people by the Indonesian army.

7. After reviewing the historical background to the question of East Timor, he observed that the Territory was larger in size and population than some 30 States Members of the Organization. It was rich in natural resources and potentially self-sufficient in most agricultural goods. It also had large oil reserves, marble and other minerals. Indonesia's assertion that East Timor was unviable as an independent country was therefore not true. What was more, General Assembly resolution 1514 (XV) stated that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

8. Indonesia's argument that there was a relationship of affinity between East Timor and Indonesia in terms of geographical location, historical background, religion and culture was groundless. Geographically, East Timor had never been part of Indonesia, neither during the period of the Portuguese and Dutch colonization nor before the arrival of European Powers. In 1949, after Indonesia had declared its independence, the new Government had clearly stated that it had no intention of claiming the territory of East Timor, a statement which it had reiterated in 1974. However, those assurances had been only cosmetic and in 1975 the Government of Indonesia had begun its bloody aggression against East Timor.

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9. East Timor was a melting pot of cultures and religions; one group of the population was connected to the peoples of the South Pacific and the other to the peoples of Malaysia and Polynesia. Furthermore, after 500 years of Portuguese and catholic colonization, East Timor was a nation State in the region, since it maintained a special relationship with the European Union.

10. The invasion of and aggression against East Timor was a violation of international law and of the principles enshrined in the Charter of the United Nations, on the basis of which ten resolutions had been adopted condemning that aggression, eight of them by the General Assembly and two by the Security Council. All of those resolutions reaffirmed the right of East Timor to self-determination and independence. Regrettably, to date none of those resolutions had been implemented and the Special Committee had done nothing to oblige the Government of Indonesia to comply with them. On the contrary, that Government continued to commit grave violations of human rights in East Timor, which had already caused the deaths of more than 200,000 persons as a result of shortages of food, mass killings, or as inmates in concentration camps and prisons. Countless others had been victims of torture and rape. In addition, since the 1980s, the Government had been pursuing a strategy aimed at fomenting religious conflict, which had been unheard of in East Timor prior to the invasion.

11. The withdrawal of the Indonesian army would be the only way of putting an end to the violations of the fundamental right to self-determination and of human rights in general in East Timor. Indonesia still retained a large military presence in the Territory. A report by the United States Senator Claiborne Pell, who had visited East Timor in mid-1996, stated that, according to Government officials in the Territory, Indonesia had 15,403 troops stationed there for two primary reasons: countering the threat posed by the Frente Revolucionaria de Timor Leste Independente (FRETILIN) and working on public projects, since the Indonesian troops were the only ones willing to go into remote villages to do such work. In reality, the Indonesian troops were not needed to maintain peace and in fact served the opposite purpose, since their presence caused the population of the Territory to resist the occupation. The resistance of East Timor was not a resistance of only 188 guerilla fighters; it was a resistance of the majority of the Timorese people, whose lives were in danger under the Indonesian oppression. As for public works, Indonesian soldiers had taken jobs that could have been done by Timorese.

12. The question of the right to self-determination for East Timor was a legitimate one based on international law and the Charter of the United Nations. The historical background, geographical setting, cultural and religious differences and economic and political potential made East Timor a nation State different from Indonesia. The National Council of Maubere Resistance had always expressed its readiness to help the Indonesian Government find a solution to the problem without hurting the stability and integrity of Indonesia. Thus, in 1992, it had proposed a three-phase plan. Phase one, which would last for two years, would involve all three parties working with the United Nations to implement a wide range of confidence-building measures, including the scaling down of the presence of Indonesian troops in the Territory, together with the introduction of a significant United Nations presence. The second phase, lasting between 5 and 10 years, would be a period of genuine political autonomy based on a democratically elected People's Assembly. The third phase would be

the holding of a referendum to determine the final status of the Territory. That proposal by the National Council of Maubere Resistance remained on the table and represented the best possible solution of the conflict.

13. Mr. Pinto withdrew.

14. At the invitation of the Chairman, Mr. Scheiner (East Timor Action Network) took a place at the petitioners' table.

15. Mr. SCHEINER (East Timor Action Network), referring to the working paper prepared by the Secretariat (A/AC.109/2049), said that the legal violations being perpetrated in the Territory included official and unofficial censorship of the media. However, that paper contained at least a dozen references to biased and error-prone Indonesian newspapers. According to paragraph 6 of the working paper, two leaders of the civilian underground in East Timor remained unaccounted for. A report released in May 1996 by the National Council of Maubere Resistance, however, stated that both had been captured by the Indonesian military, tortured with the aim of extracting information and later killed.

16. In October 1995, a member of East Timor Action Network had visited East Timor for five days, during which he had been a witness to the daily brutality against the people of East Timor, the way in which Indonesian troops mistreated the people, their poverty and the economic discrimination against them. United States Senator Claiborne Pell had also recently visited East Timor. His report corroborated the fact that the number of Indonesian troops in East Timor was three times the number reported in paragraph 5 of the working paper. Likewise, Mr. Pell affirmed that the majority of the population of East Timor contradicted the affirmation by Indonesia that they supported integration and that, if a plebiscite on the question were to be held, 90 per cent of the population would vote for independence. He added that Indonesian soldiers obstructed priests who were attempting to meet with their parishioners and tried to create mistrust among the people towards the Church. Finally, in response to questions about the possibility of holding a plebiscite, Senator Pell had been told that the resistance of the East Timor people, in spite of the danger of torture and even death, constituted in itself a referendum in favour of independence.

17. In 1994, the Special Rapporteur of the Commission on Human Rights had noted that the atmosphere of fear and suspicion prevailing in East Timor prevented relatives of victims of repression from testifying about the death of their loved ones. The Special Rapporteur had concluded that a drastic reduction of the Indonesian military presence was a prerequisite for confidence-building measures to allow the families to feel safe enough to report about their missing or killed relatives. That had not occurred, however, and one wondered how much longer the international community, represented by the United Nations, would pretend that it knew nothing and for how many more decades the situation would be allowed to continue.

18. Mr. Scheiner withdrew.

19. At the invitation of the Chairman, Mr. Hale (British Coalition for East Timor) took a place at the petitioners' table.

20. Mr. HALE (British Coalition for East Timor) said that the issue of East Timor had received renewed attention in Europe over the past year, in part as a result of the asylum applications made by refugees who had occupied various European embassies in Jakarta. Those refugees had been pursued and attacked by Indonesian assailants inside the embassies, which had prompted protests by the Governments of the Netherlands, Germany and other countries. The issue had also been raised at the first joint summit of the European Union and Asia, where Indonesia had rejected the Portuguese proposal to establish interest sections as a first step towards restoring diplomatic relations, in exchange for the release of Xanana Gusmão. Those events had culminated in a common declaration by the European Union at its summit in Luxembourg in June 1996, in which the members of the Union had reaffirmed their commitment to a solution which fully respected the interests and legitimate aspirations of the Timorese people and had called on the Indonesian Government to improve the human rights situation. The European Parliament had also adopted resolutions on the subject of East Timor in September 1995 and June 1996. The latter had reaffirmed its solidarity with the people of East Timor in their fight for self-determination and demanded that all European Union member States should halt all military assistance and arms sales to Indonesia.

21. In the United Kingdom, in particular, the campaign on behalf of East Timor had continued to grow at both the parliamentary level and among the general public. In September 1995, 39 members of Parliament from all political parties had signed a declaration committing themselves to the search for peace and self-determination for East Timor. They had also expressed opposition to British arms sales and aid to Indonesia. Over 40 members of Parliament had opposed the sale of "Hawk" aircraft and had called for a British arms embargo against Indonesia which had gained wide support among the general public.

22. The situation of human rights in East Timor, which was a source of great concern in the United Kingdom and throughout Europe, had changed very little over the past year. The events of December 1995 indicated the scale of human rights abuses being committed: on 1 December, Henrique Belmiro had been sentenced to six years in prison for "separatist activity", having been tortured in prison prior to his trial; on 3 December, six people had been arrested for attempting to make contact with the United Nations High Commissioner for Human Rights during his visit; on 7 December, Bishop Belo had reported that 70 people had been arrested for writing pro-independence slogans on walls. Many more had been arrested for their involvement in the embassy occupations that month.

23. The United Nations Commission on Human Rights had briefly discussed the situation of human rights in East Timor in April 1996. In spite of the failure of Indonesia to implement almost all of the measures proposed in previous statements, the Chairman of the Commission had once again proposed a statement on East Timor. One of the few results of international action had been the proposal made by the United Nations High Commissioner for Human Rights, after his visit to East Timor in December 1995, that a permanent office of the Commission on Human Rights should be established in Dili. Following Indonesian opposition, that had been reduced to the possibility that an official of UNDP in Jakarta might periodically visit East Timor to assess the human rights situation. That was a highly unsatisfactory outcome which would not enable the United Nations to monitor accurately the true human rights situation.

24. The British Coalition for East Timor urged the Special Committee to identify concrete steps for action with regard both to human rights and international negotiations. Firstly, there was an urgent need for the United Nations to establish a presence in East Timor to monitor the situation of human rights, as the only way to have an accurate picture of the situation. Secondly, the Special Committee should place the blame for lack of progress in international negotiations firmly with Indonesia. After 20 years, it remained an illegal force of occupation in breach of eight General Assembly resolutions and two Security Council resolutions. During the past 12 months, Indonesia had blocked the negotiations under the auspices of the Secretary-General and rejected an initiative of the Prime Minister of Portugal. The United Nations must place pressure on the Government of Indonesia to bring an end to its intransigence.

25. The people of East Timor sought respect for their fundamental human rights of freedom of speech, association and self-determination. The Special Committee must recognize the modest and non-negotiable nature of those demands, and must press for tangible steps to be taken on the path towards the holding of a referendum under United Nations supervision and a final solution to that question.

26. Mr. Hale withdrew.

27. At the invitation of the Chairman, Mr. Cominskey (Catholic Institute for International Relations) took a place at the petitioners' table.

28. Mr. COMINSKEY (Catholic Institute for International Relations) said that the argument that the outbreaks of violence which had occurred in June and throughout the past year were the result of religious conflict, in many cases provoked by the desecration of religious symbols, was nothing but an excuse given by Indonesia. The real reasons behind the anger unleashed in various parts of East Timor the previous September were the poverty and lack of employment opportunities experienced by the majority of the East Timor population, especially young people. The situation had been made worse by the large influx of migrants and transmigrants, in many cases encouraged by the Government of Indonesia to settle there, reducing opportunities for the East Timorese.

29. Health problems such as rampant malaria and tuberculosis were partly the result of the fear of the health services generated among the people by reports of killings and sterilizations, as well as coercive family planning programmes. UNICEF estimated the infant mortality rate at 135 per 1,000 live births. The improved health care services that Indonesia claimed to have provided were of limited value if the people were unable to trust them.

30. Under current conditions, it was unlikely that attempts to impose a restoration of religious harmony would succeed. Nor would attempts to gather together religious leaders to persuade the various religions and Christian denominations to get along, since harmony could be achieved only through a culture of rights and a sense of freedom to choose. The people of East Timor were repressed by the massive presence of Indonesian soldiers. They could not

worship as they chose, they were not free to organize and they were not free to express themselves.

31. Pope John Paul II had expressed his concern about East Timor on several occasions, notably by celebrating mass there during his visit to Indonesia in 1989. He had asked for a dialogue to advance a form of social and political life that would respond to the aspirations of the inhabitants of East Timor in justice and peace. Cardinal Etchegaray, President of the Pontifical Council for Justice and Peace, had echoed the Pope's call for dialogue under conditions of mutual respect and understanding that would allow for the realization of the legitimate aspirations of the Timorese people for recognition of their special cultural and religious identity. After his visit to East Timor in February 1996, he had reaffirmed his conviction that there could be no justice without peace, nor peace without justice, and that respect for human rights would be the only way in which they could coexist.

32. The Catholic Institute for International Relations contended that the dialogue being conducted at the diplomatic level lacked many of the qualities mentioned; after eight rounds of bilateral talks between Portugal and Indonesia since 1992, the suffering of the East Timorese population had not been reduced. It urged that proposals for peace negotiations made by the representatives of the East Timorese people should be given proper consideration, including the peace plan put forward in 1992 by the National Council of Maubere Resistance. It appealed to the Government of Indonesia to reduce the number of its troops in East Timor and to allow uninhibited and regular access by United Nations observers to the Territory.

33. In conclusion, Indonesia's claims to have integrated East Timor had been repeatedly demonstrated as false, and the ten United Nations resolutions that had not yet been implemented testified to the legitimate claims of the East Timor population. The work of the Special Committee would not be completed until the people of East Timor had been consulted properly, through the holding of a plebiscite.

34. Mr. Cominskey withdrew.

35. At the invitation of the Chairman, Mr. Albuquerque (Commission for the Rights of the Maubere People (Portugal)) took a place at the petitioners' table.

36. Mr. ALBUQUERQUE (Commission for the Rights of the Maubere People (Portugal)) said that colonialism, far from disappearing from relations between peoples, had actually been gathering new vitality over the past 20 years, as could be seen in East Timor, Western Sahara, Kurdistan and Tibet. There were paradoxical situations that would have been unthinkable a few decades earlier. Some peoples continued to be subjected to colonization, but the colonizers had changed; some of them were States which had emerged after long struggles against persistent forms of European colonization. East Timor, the most densely populated of the Non-Self-Governing Territories under review by the Committee, was an example of that blatant contradiction; after 450 years of Portuguese colonization it was subjected to a new colonial regime imposed by the dictatorship of Indonesia, formerly one of the most vociferous members of the anti-colonialist movement.

37. Condemnation of the colonialism in East Timor was being echoed increasingly within Indonesia itself, where some sectors of society rejected the propaganda and practices of the new colonialists. Indonesia was compelling the Timorese to regard their own culture as inferior; although the Timorese spoke Tetum, children were forced to learn the language of the occupier. In a policy designed deliberately to stamp out Timorese culture, Indonesia actively encouraged Indonesian citizens to migrate and settle in East Timor and to take over the most fertile land and occupy the best jobs, mainly in the civil service.

38. With regard to the development of East Timor, vaunted by the Jakarta regime, according to a study by the researcher Paul Salim, rather than 524 kilometres of roads built, in fact there had been 10, built mainly for military purposes. Nor had eight new hospitals been built. In addition, the health care provided in many clinics that the Indonesian Government claimed to have built was very inadequate and was provided by inexperienced doctors who had recently graduated from Indonesian universities and were obliged to work for their first three years in areas designated by the Government. In any case, it was a paradox that, despite Indonesia's claims about its achievements in health care, East Timor had the highest infant mortality rate of all the least populated territories and countries in the world, according to the 1996 report of the United Nations Population Fund. Malaria and tuberculosis affected over 50 per cent of the population.

39. The situation regarding education seemed no better. It was untrue that 550 primary schools had been built, as the Government of Indonesia claimed. The real figure was 140 schools, in which all traces of Timorese culture were being erased, since only one language and culture were taught to the children. The rate of illiteracy among the people of East Timor was over 50 per cent.

40. The economy and resources were subjects on which the Indonesian occupier had preferred not to comment over the past 21 years. According to the research study by Paul Salim, exports had declined considerably since the annexation by Indonesia and the Territory's imports were 12.4 times higher than its exports. The constantly increasing exports of oil and natural gas did not seem to have helped to achieve a balance, in spite of the fact that they were the Territory's greatest natural wealth and the underlying reason for the Indonesian invasion in 1975. The plundering of East Timor's natural resources had enriched a number of companies involved in crimes of genocide in East Timor in 1974 and 1975. In the 1990s other corporate groups had emerged, belonging to friends and relatives of the dictator Suharto.

41. Mr. BAPTISTA (Indonesia), speaking on a point of order, asked the Chairman to prevent the speaker from referring to matters which were outside the subject under consideration.

42. The CHAIRMAN asked the speaker to keep to the item under consideration.

43. Mr. ALBUQUERQUE, quoting the academic George Aditjondro, said that the 10 to 12 battalions which were in East Timor on "civic mission" were made up of troops from the major islands of the Indonesian archipelago and not by local people, which constituted evidence of colonial occupation.

44. Finally, he urged the international community to adopt a different attitude, before colonialism became rooted in relations between peoples, and pressed the United Nations to establish a well-defined framework to discourage colonial practices; that would certainly not be achieved by abolishing the Special Committee on the pretext of financial reorganization at the United Nations.

45. Mr. Albuquerque withdrew.

46. At the invitation of the Chairman, Ms. Scharfe (Parliamentarians for East Timor) took a place at the petitioners' table.

47. Ms. SCHARFE, speaking on behalf of the Canadian branch of Parliamentarians for East Timor, an international organization of parliamentarians created to draw the attention of policy makers to human rights violations in East Timor and to promote the recognition of the inalienable right of the people of that Territory to self-determination, welcomed the consultations between the Secretary-General of the United Nations, Portugal and Indonesia with a view to exploring avenues for achieving a comprehensive settlement of the problem. In order to reach a successful conclusion, those negotiations should, firstly, involve representatives of the East Timorese people, including those who were resisting the current occupation; secondly, secure an end to the hostilities which were preventing the people of East Timor and their representatives from contributing freely to negotiations leading to self-determination; thirdly, provide internationally acceptable conditions of access for relief and development agencies and for independent visitors, journalists and diplomats; and, finally, constitute an act of self-determination, free from interference and verified by international observers acceptable to the East Timorese people.

48. Canada was concerned by the human rights situation and the effects of the Indonesian military presence in East Timor, estimated at 30,000 troops by a pro-independence organization and at less than 9,000 by the Indonesian military commander in East Timor. The Security Council, in paragraph 1 of its resolution 384 (1975), had called on all States to respect the territorial integrity of East Timor. Whatever the number of Indonesian troops in the Territory, their presence was patently illegal, constituted a grave impediment to the exercise of its right to self-determination, did not contribute to making conditions in the Territory more secure or facilitate the process of development, and was a contravention of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

49. Parliamentarians from many countries were becoming increasingly sceptical regarding the efforts of the Special Committee to facilitate the process of decolonization in East Timor, and were wondering what the Committee had done since its inception in 1961 to fulfil its mandate to achieve complete decolonization by the year 2000, except to listen once a year to petitions from persons who were concerned at the situation. While she was not advocating the removal of East Timor from the decolonization process which was taking place under United Nations mediation, she wondered whether it was desirable that consideration of the issue should take place in the Special Committee, in the absence of the majority of countries, such as Canada, which were concerned about human rights and the future of East Timor, and whose Chairman was reported to

have said that the presence of the Indonesian armed forces was a very positive factor for efforts to raise the well-being of the Timorese people. She requested an explanation of that statement; it was hard to see how that military force which had been engaged in genocidal actions against the people of East Timor for more than 20 years could be a "positive factor". Perhaps the time had come for the General Assembly to reallocate the responsibility for decolonization in East Timor directly to the Fourth Committee.

50. Ms. Scharffe withdrew.

51. At the invitation of the Chairman, Ms. Karagiannakis (International Platform of Jurists for East Timor) took a place at the petitioners' table.

52. Ms. KARAGIANNAKIS (International Platform of Jurists for East Timor) reiterated the petition directed to the Secretary-General of the United Nations in 1994, with the signatures of 2,500 professionals, government officials and public figures, urging him to intervene in order to obtain the immediate and unconditional release of Mr. Xanana Gusmão and of the other detained East Timorese. Xanana Gusmão was being treated as a common criminal by the Indonesian authorities in contravention of international standards regarding decolonization. The East Timorese were clearly among the parties "directly concerned" in that matter, as stated in General Assembly resolution 37/30 of 23 November 1982.

53. The Platform was most concerned by the plight of East Timorese asylum seekers. The Platform had been one of the signatories of the joint statement of March 1995, which had called on all countries with embassies in Jakarta which were parties to the relevant treaties to comply with their international legal obligation to duly consider all applications for political asylum and to protect asylum seekers. It also referred to numerous resolutions of the Security Council and the General Assembly which provided that Indonesia's brutal invasion and occupation of East Timor created an international responsibility for States, of which the protection and acceptance of refugees was a part.

54. The situation in Australia in that respect was of particular concern. The decision of the Australian tribunal competent to decide on such cases not to give asylum to Mr. Jong because he had a right to Portuguese nationality had serious implications for the East Timorese. The Platform concurred with the opinion of Dr. Fernand de Varennes, a lecturer in public international law at Murdoch University, that the tribunal had confused the right to seek Portuguese citizenship with actual possession of Portuguese nationality, and in the process had put Australia in the position of breaching its international treaty obligations. Under international law, a country to which refugees had fled did not have to grant them permanency if another country in which they had a legal right of residence accepted them. Had Mr. Jong already been a citizen of Portugal, Australia would have been permitted to send him to that country. However, since East Timorese were not citizens of Portugal until they made a request, Australia could not send them to Portugal against their will; it had an obligation to determine whether they were refugees as defined by treaties which Australia had signed and ratified and, if they were, to grant them asylum.

55. The International Platform urged Australia and all States to comply with their obligations with respect to East Timorese asylum seekers escaping from Indonesian persecution. The efforts of Portugal, as the administering Power, to protect them should not serve as justification for States to avoid their international treaty obligations and the international responsibility created by the Security Council and the General Assembly.

56. Finally, the International Platform wished to express its concern over recent press reports quoting comments allegedly made by the Chairman of the Committee and to state that any comments which described East Timor as a part of Indonesia or questioned the authority of Portugal as the administering Power were incorrect under international law and inconsistent with the position of the United Nations.

57. Ms. Karagiannakis withdrew.

58. At the invitation of the Chairman, Mr. Davidson (Human Rights Watch/Asia) took a place at the petitioner's table.

59. Mr. DAVIDSON said that his organization took no position on the political status of East Timor, although the failure to resolve the underlying political conflict was contributing to ongoing human rights violations in the Territory. Full information on the human rights situation there was thus critical to the Committee's deliberations on the issue of decolonization. It was a matter of deep concern that human rights violations, such as widespread unlawful disappearances and detentions, torture, extrajudicial executions and restrictions of freedom of association, assembly and expression continued to take place in East Timor. A full, impartial and independent investigation was warranted of the emerging pattern of provocative acts of religious desecration or insult by the local authorities, which triggered mass protests that, in turn, led to a crackdown by the security forces. Failure to conduct such an investigation could contribute to heightened religious and ethnic tensions. His organization was also concerned about the carry-over of the East Timor conflict and its related human rights violations into Indonesia proper, especially Java, with detentions and harassment of East Timorese in various cities.

60. While it acknowledged a number of positive developments during the year, especially the opening of a Dili office of the Indonesian National Commission for Human Rights and the continuation in Austria of the All-Inclusive Intra-East Timorese talks, under the auspices of the United Nations, Human Rights Watch was concerned by the Indonesian Government's failure to meet even the minimal terms of the consensual declaration on East Timor issued by the United Nations Commission on Human Rights in April 1996. It had not clarified the circumstances surrounding the Dili massacre, had not released, detained or convicted East Timorese, had not permitted the visit of international human rights organizations and had not invited a special rapporteur or a working group to visit East Timor. It had given very little cooperation to United Nations human rights bodies and had failed to implement any of their recommendations. It had refused the request of the United Nations High Commissioner for Human Rights to open an office in Dili and, even though it had agreed to look into the possibility of the High Commissioner assigning a programme officer within the office of the United Nations Development Programme (UNDP) in Jakarta to follow

up the implementation of the technical cooperation agreement, including regular access to East Timor, it would be a serious mistake to assign someone without experience to deal on a sporadic basis with one of the most sensitive human rights issues in Asia.

61. The systematic use of torture continued to be a major human rights problem in East Timor. In December 1995, the United Nations High Commissioner for Human Rights had announced the Indonesian Government's agreement to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As of July 1996, however, Indonesia had still not become party to that instrument and torture continued to be used by its security forces throughout Indonesia and in East Timor.

62. With regard to the religious and ethnic violence prompted by the failure of the Indonesian Government to resolve the social, political and economic issues that lay at the heart of the human rights problems, three major riots had taken place in 1995. The first and last had been sparked by deliberate acts of incitement against Catholicism, the dominant religion in East Timor. Those acts had led to retaliatory attacks on mosques and on Bugis, a commercially prominent Muslim ethnic group from South Sulawesi. During the course of the second riot, which had arisen from clashes between pro-Government and anti-integration youth groups, attacks on that community had also taken place. One thing was clear, however: the riots and clashes reflected a political, not a religious, problem and until that fact was recognized, it would be difficult to prevent such incidents, and their attendant human rights abuses. It was essential that such incidents, which had begun since 1994, should be thoroughly investigated by an impartial body and the findings made public.

63. The human rights problems in East Timor were not decreasing with economic development. Instead, they were becoming more complex and more difficult and could not be fully resolved until the basic political conflict was directly addressed.

64. Mr. Davidson withdrew.

65. At the invitation of the Chairman, Mr. Miller (Hobart East Timor Committee) took a place at the petitioners' table.

66. Mr. MILLER (Hobart East Timor Committee) recalled that Portugal, and therefore the Territory of East Timor, had been officially neutral during the Second World War, but that neutrality had been violated by Australia, Japan, the Netherlands, the United Kingdom and the United States of America. The United Kingdom had placed considerable pressure on Portugal and its colonial administration to allow the violation of that neutrality. Dutch and Australian troops had invaded the Territory in December 1941, Japan had invaded in February 1942 and the United States of America had bombed Dili in the later stages of the war. Yet all of those nations, with the exception of the United States, as members of the League of Nations, had accepted the obligation to submit to arbitration, judicial settlement or enquiry any dispute which might arise and all of them, including the United States of America, under the terms of the Kellogg-Briand Pact, had disclaimed war as an instrument of national policy.

67. While in 1941, humanitarian law had not been as well developed as it currently was, there could be no doubt that the civilian population had a legal right to be safeguarded from the impact of the war. Yet, far from taking any action to protect the population of East Timor, the belligerents had pressured them to provide food, shelter, transport, information and protection. Towns and villages in East Timor had been bombed, leading to the starvation and death of large numbers of civilians. Japan had caused the largest number of deaths in East Timor during the Second World War, while Australia had caused the greatest amount of damage to airports, roads, bridges and public and private buildings. The death toll in East Timor during the Second World War was accepted as being between 50,000 and 60,000 people. Yet, on the grounds of its neutrality, Portugal had been excluded from all negotiations on the payment of compensation for war damage, including the 1952 San Francisco Conference.

68. Moreover, the legal status of East Timor and the rights of its people had been treated with contempt during the Second World War and that contempt had influenced the response to Indonesia's violation of East Timor's territorial integrity in 1975. It was significant that the nations which could have played the most significant role in deterring Indonesian aggression in 1975 but had failed to do so were also the five nations with undischarged wartime obligations to East Timor: Australia, Japan, the Netherlands, the United Kingdom and the United States of America.

69. There was a second aspect of the question, which related to war crimes. Article 2 of the Charter of the United Nations stated that Members of the Organization should settle their international disputes by peaceful means and should refrain from the threat or use of force against the territorial integrity or political independence of any State. Indonesia had consistently stated, both inside and outside the United Nations, that it did not make any claim to the territories of Borneo or Timor, which were within the Indonesian archipelago but were not part of the Netherlands East Indies. Indonesia had never claimed that it was in danger of invasion from East Timor and had consistently stated that the armed resistance in the Territory constituted only a few hundred people. It had therefore laid itself open to charges of war crimes by the actions which it had taken against the civilian population of the Territory it had occupied since 1975 and the United Nations should begin to collect information on the matter.

70. Another aspect of the question, which had received very little international attention, concerned the specific crime of taking East Timorese children out of East Timor without the knowledge or consent of their parents or relatives and denying their families all information about their whereabouts. Despite having signed and ratified the 1949 Geneva Conventions, which covered the protection of civilians, including children, and people living in occupied territories, Indonesia had removed children from East Timor on several occasions, at times incarcerating them in an orphanage and at other times handing them over to childless Indonesian couples. Such acts were a form of intimidation against East Timorese families and communities. It was not known how many children had been removed to Indonesia, as kidnappings overlapped with the question of the disappearance of young people. Only a full-scale enquiry into the fate of all young people who had gone missing in East Timor since 1975 would establish their fate and put an end to the fear experienced by their families. A permanent United Nations presence in East Timor would help to

protect the children of the Territory. Providing the International Committee of the Red Cross with funds and access to Indonesian records to trace the children would also be useful.

71. The Special Committee had the means and the duty to encourage all bodies of the United Nations and the international community in general to be far more active in enhancing the safety and well-being of the people, and particularly the children, of East Timor.

72. Mr. Miller withdrew.

73. At the invitation of the Chairman, Mr. Mc Corey (Pax Christi, International Catholic Peace Movement) took a place at the petitioners' table.

74. Mr. Mc COREY (Pax Christi) said that his organization supported all the efforts of the United Nations to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor and its self-determination. The Organization's reports and recommendations could help to establish mechanisms to prevent human rights abuses against the Timorese people.

75. Two decades of monitoring and documentation by the United Nations and non-governmental organizations provided a historical context for viewing the current conflict. While the recent violent demonstrations in Baucau might have been provoked by the desecration of religious symbols, they did not reflect a purely 'religious conflict'. Other conflicts in Komoro, Maliana, Same and Viqueque pointed to more substantial reasons, including: economic injustices, which meant a lack of work opportunities for East Timorese, an imbalance in the distribution of resources and the control of commerce by the Indonesian community; poor social development, particularly in relation to health care for women; the lack of any forum within which Timorese, especially young people, could express their political hopes and aspirations without fear of harassment or violence; the lack of a forum that might encourage inter-faith dialogue and cooperation as a way of breaking down barriers between people; and the continued military presence, which aggravated the fears and hostility of the people.

76. Various representatives of the Catholic Church, from Pope John Paul II to Bishop Belo of Dili, had constantly called for respect for human rights and continued dialogue involving all parties, especially the Timorese. Bishop Belo had supported the idea of allowing the Timorese to decide their future through a plebiscite.

77. Pending a long-term solution of the problem, confidence-building initiatives should be taken, such as the reduction in the number of troops occupying East Timor; honouring of the commitments agreed to in the United Nations Commission on Human Rights; uninhibited access by United Nations special rapporteurs, working groups and specialized agencies, as well as by human rights groups; dialogue with Governments, non-governmental and intergovernmental organizations; and implementation of all international human rights instruments.

78. The dialogue sponsored by the United Nations should continue but must include the Timorese people and must establish mechanisms to ensure respect for

the religious and cultural traditions of the people of East Timor and for the protection of their social, economic and political rights, including their right to self-determination.

79. Mr. Mc Corey withdrew.

80. At the invitation of the Chairman, Mr. Logan (Australia East Timor Association) took a place at the petitioners' table.

81. Mr. LOGAN (Australia East Timor Association) noted with grave concern that, in spite of growing international interest in the problem, there had been no substantive moves towards a just settlement of the question of East Timor in terms of General Assembly resolution 37/30, nor had it been possible to persuade Indonesia to make any concessions in relation to basic humanitarian issues in the Territory. He also deeply regretted the performance of the Australian Government, which in effect constituted a pattern of complicity with the Government of Indonesia to suppress the right to self-determination of the vast majority of the people of East Timor.

82. Australia hoped during the current year to occupy a seat on the Security Council and the question might be asked if it deserved that seat in the light of its refusal to accept the recognition by the United Nations of Portugal as the administering Power of East Timor, its de jure recognition of Indonesian sovereignty, in breach of international law, its continued supply of military equipment and training to the Indonesian army, despite the latter's human rights abuses, and its continued economic exploitation of the resources of Timor Gap, in contravention of the United Nations Convention on the Law of the Sea and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

83. For 20 years, it had been brought to the attention of the Special Committee that Indonesia had suppressed East Timor's right to self-determination through its illegal occupation, annexation and sovereignty, which had the shameful support of influential members of the United Nations, including Australia, the United Kingdom and the United States of America, despite the provisions of the Charter of the United Nations, General Assembly resolution 1514 (XV) and the judgement of the International Court of Justice delivered on 30 June 1995.

84. After reviewing the history of the lack of integrity displayed by successive Australian Governments in the context of East Timor, he said that Australians were appalled that, while their Government had taken a strong stand against human rights abuses in Bosnia and genocide in Rwanda, it had not even suggested an international investigation into the similar crimes perpetrated in East Timor.

85. He asked the Special Committee to support the aspirations of the East Timorese for self-determination. Such support was needed for the purpose of the negotiations being held under the auspices of the Secretary-General of the United Nations to secure a just solution to the problem and to persuade the Indonesian Government to completely remove its illegal occupying force, which would ensure a safeguard against future human rights violations. As a first

step, pressure should be put on Indonesia to release the East Timorese leader, Xanana Gusmão, who was serving a 20-year prison sentence in Java.

86. Mr. BAPTISTA (Indonesia), speaking on a point of order, requested the Chairman to ensure that the speaker did not refer to irrelevant matters.

87. The CHAIRMAN asked the speaker to keep to the item under consideration.

88. Mr. LOGAN said that, before his capture, Xanana had tried to set up negotiations with the Indonesian military authorities; his release could speed up the peace process in East Timor. Finally, the achievement of a just settlement of the question of East Timor would justify the trust placed in the United Nations in the sphere of international peace and security.

89. Mr. Logan withdrew.

90. At the invitation of the Chairman, Sister Plante (Japanese Catholic Council for Justice and Peace) took a place at the petitioners' table.

91. Sister PLANTE (Japanese Catholic Council for Justice and Peace) said that the information received daily from East Timor on human rights violations, such as that concerning young Indonesians seeking asylum in foreign embassies in Jakarta, clearly showed the difficulty of the prevailing situation and the need to pay attention to the distressing complaints against international society which had ignored the tragedy of the Timorese people for so long.

92. The incident which had taken place on 7 December, when Indonesians had helped inhabitants of East Timor to enter the embassies of the Netherlands and the Russian Federation, indicated that a growing number of Indonesians recognized that the occupation of East Timor by their country was illegal. It also showed that the occupation had taken place without the knowledge of the Indonesian people.

93. For 20 years, the Indonesian Government had ignored the resolutions of the General Assembly of the United Nations, the Commission on Human Rights, and human rights organizations. The international community should immediately demand that it should end its cruel acts of terror and oppression. Furthermore, Indonesia had obstructed the dialogue among all sectors of society in East Timor which had been initiated by the Secretary-General of the United Nations, and had restricted access to the Territory by persons concerned by the security situation there, as had occurred in the case of the Chairman of the Japanese Catholic Council. Portugal and many other countries had closed their eyes to those violations of international law and human rights, thinking only of the profits to be gained from trade with Indonesia.

94. According to the official development aid guidelines laid down by the Government of Japan, democratization, human rights and freedom in the recipient country were to be taken into account in the provision of such aid. Regrettably, that clause had never been applied to Indonesia, the biggest recipient of that type of aid from Japan.

95. Finally, she asked the Chairman and the members of the Special Committee to do everything within their power to establish an official presence in East Timor.

96. Sister Plante withdrew.

97. At the invitation of the Chairman, Ms. Brown (Seeds of Hope-East Timor Plowshares) took a place at the petitioners' table.

98. Ms. BROWN (Seeds of Hope-East Timor Plowshares) said that four British women were imprisoned and on trial because on 29 January 1996 they had attempted to disarm a Hawk warplane at the military aircraft factory in Warton. Inspired by the command of Isaiah to "beat your swords into ploughshares", three of them had entered the factory armed with hammers, intending to symbolically disable the aircraft while spreading ashes as a sign of repentance and seeds as a sign of resurrection.

99. The policy of genocide against the people of East Timor, which had since 1974 led to the deaths of no less than 200,000 East Timorese, had received the military and financial support of Western Powers, and in particular of the political, economic and military leadership of the United Kingdom. In 1993, having sold armaments worth $200 million to Indonesia since 1988, the British Government had awarded to British Aerospace a contract worth £500 million to provide 24 Hawk fighter-trainer jets to the military dictatorship of Indonesia.

100. The action of the four members of Seeds of Hope had been inspired by the words of Isaiah, but also by the many Timorese who had given their lives so that others could in future enjoy life and human dignity. She wondered whether it was possible to remain silent before the events in East Timor, whether the international community would have the honesty to admit to the people of that Territory that the lust for profit had been allowed to gain the upper hand, whether it would have the courage to speak in the name of justice and, simply, whether it would be possible to retain a sense of humanity in such times.

101. Ms. Brown withdrew.

102. At the invitation of the Chairman, Mr. Alyn Ware (Auckland East Timor Independence Committee) took a place at the petitioners' table.

103. Mr. WARE (Auckland East Timor Independence Committee) said that recent events in East Timor had given his organization renewed concern and highlighted the fact that the human rights situation in East Timor was not improving.

104. Firstly, as a result of provocation by the Indonesian armed forces, religious riots had broken out in Baucau, ending in the arbitrary detention of a large number of East Timorese youth. Serious cases of torture had been reported and in order to prevent disturbances on the occasion of the twentieth anniversary of the occupation of East Timor, the Indonesian army was reported to have mounted a security crackdown during which there had been house-to-house searches in Dili and the army had harassed, beaten and arbitrarily detained young people, many of whom had been forced to flee to Jakarta and seek asylum in embassies. In one case, five young men had sought asylum in the Embassy of

New Zealand, but their request had been refused and they had had to go as refugees to Portugal. There had been strong criticism of the attitude of the Government of New Zealand.

105. In many cases, those who sought asylum in embassies were assaulted by the Indonesian military, and that had occurred in the case of the five young men. It had later been revealed that it was standard policy at the Embassy of New Zealand to inform those who were standing guard outside that an entry attempt was imminent.

106. It was ironic that the Governments of western countries such as New Zealand attributed to Portugal the responsibility for granting asylum to those who requested it. It could be inferred that they were recognizing Portugal as the administering Power; it was therefore to be hoped that they would also condemn the illegality of the Indonesian occupation and recognize the right of the East Timorese to self-determination, without which there could be neither peace nor justice for that people.

107. At the invitation of the Chairman, Mr. Luís (Portuguese Socialist Party) took a place at the petitioners' table.

108. Mr. LUÍS (Portuguese Socialist Party) said that the international community refused to accept the farce that Indonesia had called "self-determination" for East Timor. Immediately after invasion, Indonesia had announced the establishment of a "provisional government", after stating that a popular referendum was unnecessary. The "provisional government" in turn, had announced on 31 May 1976 that a "People's Representative Assembly" had been established comprised of individuals selected by the occupiers. At its first meeting, that Assembly had requested that the territory should be integrated into the Republic of Indonesia, and on 17 July, the President of Indonesia had issued the decree integrating East Timor as the country's twenty-seventh province.

109. In the meantime, a mission from the United Nations Office at Geneva had visited some of the areas controlled by the occupation forces from 19 to 23 January 1976. With the information which it had been able to gather despite the fact that the provisional government had prevented it from travelling to other areas and making contact with FRETILIN, it had submitted a report on which Security Council resolution 389 (1976) had been based. That resolution reaffirmed the inalienable right of the people of East Timor to self-determination and independence and called upon the Government of Indonesia to withdraw without delay all its forces from the Territory.

110. The United Nations General Assembly had also considered the question on many occasions and had adopted resolutions reaffirming the right to self-determination and independence of East Timor.

111. The United Nations had not been alone in refusing to recognize the integration of East Timor into Indonesia. Other forums, for example the Movement of Non-Aligned Countries, of which Indonesia had been one of the main founders, the Parliamentary Union, the European Parliament and the African, Caribbean and Pacific States-European Economic Community (ACP-EEC) Joint

Assembly, had reaffirmed the right of the people of East Timor to self-determination.

112. The Parliamentary Union, a worldwide group of parliamentarians from different political systems, had adopted various resolutions reaffirming the inalienable right of the people of East Timor to self-determination and independence and urging Indonesia to withdraw its forces from the territory in order to permit the exercise of that right. In 1982, the Inter-Parliamentary Union had adopted an appeal drafted by Portugal asking Governments and parliaments throughout the world to recognize and reaffirm the right of East Timor to self-determination and independence. And at its 1987 meeting in Thailand, like Indonesia, a member country of the Association of South-East Asian Nations, the Inter-Parliamentary Union had adopted by a large majority a resolution expressing its concern at the situation in East Timor and inviting the interested parties to work together towards a solution in accordance with the principle of self-determination. In 1987, the ACP-EEC Joint Assembly, meeting in Lisbon, had unanimously adopted a resolution condemning the illegal occupation of East Timor by Indonesia and reaffirming the inalienable right of the people of East Timor to self-determination and independence.

113. The European Parliament, largely through concerted action by its Portuguese members representing all parties had adopted important resolutions on the issue in 1986, 1988 and 1989. More recently, in 1995 and 1996 the International Inter-Parliamentary Conference had done so as well, and on 25 June 1996, the European Union, along with its associated countries of Central and Eastern Europe and Cyprus and Malta had adopted a declaration condemning Indonesia for the invasion and occupation of East Timor.

114. Mr. Luis withdrew.

115. At the invitation of the Chairman, Mr. Barbosa de Melo (Member of the Portuguese Parliament) took a place at the petitioners' table.

116. Mr. BARBOSA DE MELO (Member of the Portuguese Parliament) urged the Special Committee to defend the inalienable rights of the people of East Timor and also urged Indonesia to respect the human rights of all Timorese, to recognize the right of East Timor to self-determination and to put an end to its aggression against the historical, cultural and religious identity of its people.

117. An Inter-Parliamentary Conference had recently been held in Lisbon at which government officials, parliamentarians, magistrates and intellectuals from many countries, along with leaders of the Timorese resistance, had reviewed the situation created by the Indonesian invasion of East Timor and its subsequent occupation and had heard the dramatic message sent by Commander Xanana Gusmão, still a prisoner of the occupying forces. The conclusions of that meeting were contained in the Lisbon Declaration, which denounced the policy of genocide implemented by Indonesia in East Timor, appealed to the ethical, legal and political conscience of the international community concerning what was taking place in the Territory and called on the occupying State to respect the United Nations resolutions on the question.

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118. Despite those appeals, the situation in East Timor was growing more serious. Ethnic and religious tensions between Timorese and Indonesians had increased; mass immigration of Indonesians into the territory of East Timor was continuing; cases of torture, arbitrary detention, attacks, summary executions, disappearances and killings were becoming increasingly common; the numbers and violence of the military and police forces were increasing, and many Timorese, especially young people, had become strangers in their own land and had been forced to seek asylum. The atmosphere of fear, mistrust and intimidation had grown worse.

119. On the other hand, outside East Timor, there had been various positive signs for the cause of the Timorese people, including the judgement issued on 30 June 1995 by the International Court of Justice in the case between Portugal and Australia concerning the Agreement between Australia and Indonesia for the extraction of oil in the territorial sea of East Timor. Because Indonesia had refused to accept the jurisdiction of the Court and had not been a party to the case, it had not been possible to reach a decision on the substance of the matter. However, the Court had recognized that East Timor was a Non-Self-Governing Territory for purposes of the application of Chapter XI of the Charter, meaning that the law under which Indonesia had attempted to annex East Timor had no validity whatever in international law and that, according to the International Court of Justice, East Timor had not yet exercised its right to self-determination.

120. Furthermore, it should be noted that in Luxembourg the Council of Europe had adopted a position of support for the traditional United Nations policy on East Timor. Thus, the highest legal bodies of the international community and of Europe as a whole currently gave their unequivocal support to the fight of the Timorese people against oppression and in favour of the exercise of their right to self-determination.

121. In July 1996 the Conference of Heads of State and Government of Portuguese-speaking countries had been held in Lisbon. The attending Heads of State and Government had received a delegation of the Coordinating Committee of the Diplomatic Front for Timorese Resistance and had reiterated that they were ready to promote concerted action to guarantee respect for human rights and fundamental freedoms in East Timor and a just, comprehensive and internationally acceptable solution that would achieve respect for the legitimate rights and aspirations of its people in conformity with international law.

122. In conclusion, he deplored the fact that Indonesia, which not long ago had been a colonial territory and which had been one of the first States to support the decolonization movement, was continuing to exercise its domination over East Timor, destroying the life, culture and identity of the Timorese people. He urged Indonesia to recapture its tradition as a decolonizing country and to rectify its continuing failure to observe the principles of the Charter, which under other circumstances it had promoted within the international community.

The meeting rose at 6.05 p.m.